

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 1/2018

HELD ON

FRIDAY 16 FEBRUARY 2018

AT 10.00AM

IN THE COUNCIL BOARDROOM

90 WELSFORD STREET

CHAIR

Councillor Dennis Patterson

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 1 for 2018.

I would like to begin with an acknowledgement of the traditional owners of the land.

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors”.

RECORDING OF PROCEEDINGS

I would like to advise all present today that:

- the proceeding is being minuted but not recorded.
- and that out of courtesy for all other attendees any recording devices should be turned off during the course of the hearing unless the chair has been formally advised that a party wishes to record proceedings.
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COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Dennis Patterson (Chair),
- Colin Kalms – Manager Building and Planning Greater Shepparton City Council
- Michael MacDonagh – Team Leader Strategic Planning Greater Shepparton City Council
- Nilesh Singh – Manager Development Benalla Rural City Council
- Emma Kubeil – Manager Sustainable Development Strathbogie Shire

OFFICERS AND OTHERS PRESENT

The Planning Officers that will be in attendance for today’s hearing are:

- Tim Watson
- Sarah Van Meurs
- Robert Duncan

APOLOGIES

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of DHP meeting No. 08/2016 – Thursday 15 December 2016. Minutes have been circulated.

Moved by Colin Kalms and seconded by Emma Kubeil that the minutes of the meeting held on 15 December 2016 be adopted.

Carried

DECLARATIONS OF CONFLICTS OF INTEREST

No declarations of conflict of interest were made

ORDER OF PROCEEDINGS

For those of you who are attending the DHP for the first time the process is as follows

- The DHP operates under Local Law No 2, with such modifications and adaptations as the DHP deems necessary for the orderly conduct of meetings.
- All DHP panel members have 1 vote at a meeting.
- Decisions of the DHP are by ordinary majority resolution. If a vote is tied the Chair of the DHP has the casting vote.
- The process for submitters to be heard by the Panel shall be:
 - The planning officer to present the planning report recommendation
 - Any objectors or representatives on behalf of the objectors present to make a submissions in support of their objection (should they wish to)
 - The applicant or representatives on behalf of the applicant to present in support of the application
- For the purpose of today's hearing the officer, objectors and applicant will be limited to a maximum of 6 minutes per person with no extensions.

MATTERS FOR CONSIDERATION

There are four items listed for consideration in this session of the DHP:

1. Planning permit application 2017-137 seeking permission for an advertising sign at 231-237 Numurkah Road, Shepparton.
2. Planning permit application 2017-138 seeking permission for an advertising sign at 7967 Goulburn Valley Highway, Kialla.
3. Planning permit application 2017-283 seeking permission for a dwelling at 117 Zeerust School Road, Zeerust.
4. Planning permit application 2017-365 seeking permission for a sign at 228-234 High Street, Shepparton.

10. LATE REPORTS

None

11. NEXT MEETING

9 March 2018

Meeting concluded at 11.47 am

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2017-283	117 Zeerust School Road, Zeerust	Seeking permission for a dwelling	41
2017-365	228-234 High Street, Shepparton	Seeking permission for a sign	65

Application Details:

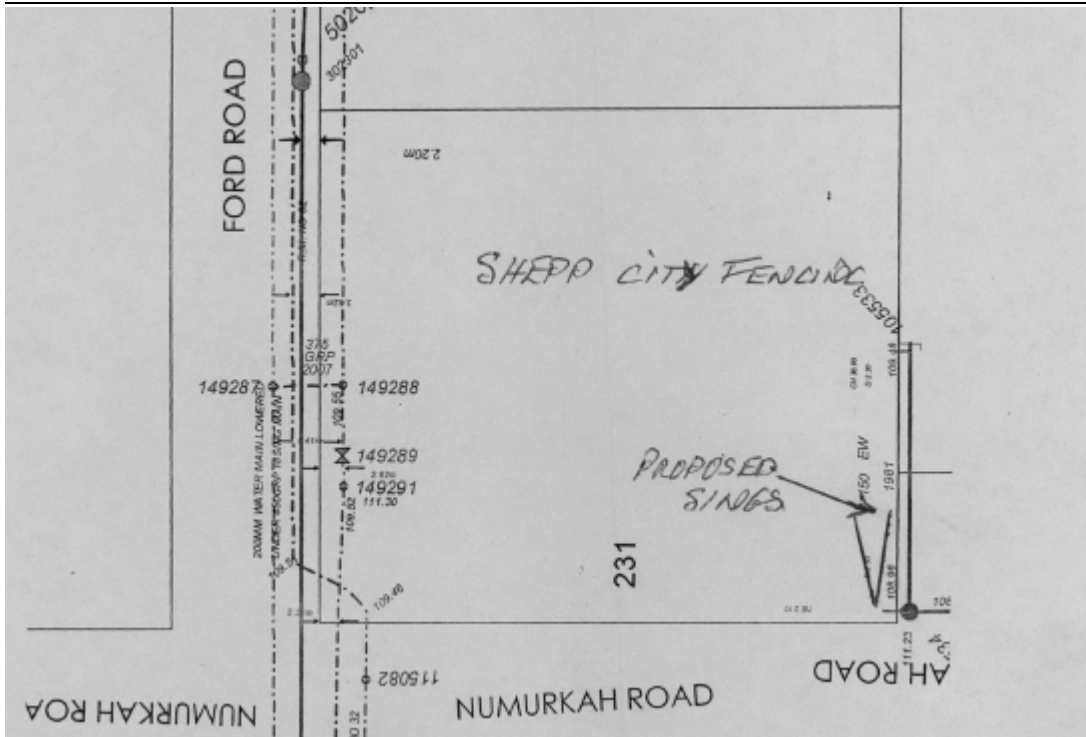
Responsible Officer:	Tim Watson
Application Number:	2017-137
Applicant Name:	Sabri Family Super Fund
Date Received:	22-May-2017
Land/Address:	231-237 Numurkah Road SHEPPARTON VIC 3630
Zoning & Overlays:	Commercial 2 Zone Abuts a Road Zone, category 1
Why is a permit required (include Permit Triggers):	52.05-7 - the erection and display of a major promotional electronic sign
Are there any Restrictive Covenants on the title?	no
Is a CHMP required?	no
Was the correct application fee paid?	Please charge (\$1240.70) + undertake title search and charge

Proposal

The application for a planning permit proposes the erection and display of a double sided electronic major promotional sign with dimension of 8.4 by 2.4 metres.

The application has been submitted with very limited information, however as the Council officer intends to recommend the refusal of the application, it has been decided to advertise and refer the application and then recommend refusal. This path of action is to avoid placing significant costs on the applicant for the preparation of plans and reports required by the scheme.

The plans below show the site plan for the proposed sign and the plan illustrating the type of sign that will be displayed on the site.



Summary of Key Issues

- The application for a planning proposes the erection and display of an electronic major promotional sign in the Commercial 2 Zone
- The applicant was informed both prior to making the application and soon after the application that the application would not be supported by the Council's Planning Department and would be recommended for refusal.
- It was agreed with the applicant that the Council officers would not ask for the information required under the planning scheme to avoid imposing an economic burden on the applicant for an application that was to be recommended for refusal.
- The application has been publically notified to surrounding owners and occupiers with no objection received.
- The application was referred to and discussed with VicRoads, who have provided a response that acknowledges that Council's intent is to refuse the application, however if this intent changes VicRoads would not respond until further information as required under the application requirements of 52.05 was submitted.
- The proposed erection and display of an electronic major promotion sign on a site where there are existing major promotion signs will create visual clutter at a gate way location to the Shepparton Urban Area and result in an unorderly planning outcome where the clear direction of the LPPF is to locate these signs within the regional and sub-regional centres.

Recommendation

Refusal

That the Council having caused notice of Planning Application No. **2017-137** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of **52.05-7** of the Greater Shepparton Planning Scheme in respect of the land known and described as **231-237 Numurkah Road SHEPPARTON VIC 3630**, for the **erection and display of an electronic major promotional sign**.

Moved by Colin Kalms

Seconded by Michael MacDonagh

That the Council having caused notice of Planning Application No. **2017-137** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of **52.05-7** of the Greater Shepparton Planning Scheme in respect of the land known and described as **231-237 Numurkah Road SHEPPARTON VIC 3630**, for the **erection and display of an electronic major promotional sign**.

CARRIED

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

The site has a total area of **5641** square metres and currently contains:

- An existing warehouse use for the preparation and assembly of fences, which includes an office on the front of the building for administrative purposes.
- Access to the site is provided from both Ford Road and Numurkah Road, with a large service yard at the rear of the shed used for storage and loading.
- The existing signage consists of business identification signage on the existing building and two major promotional signs located on the northern and southern elevations.

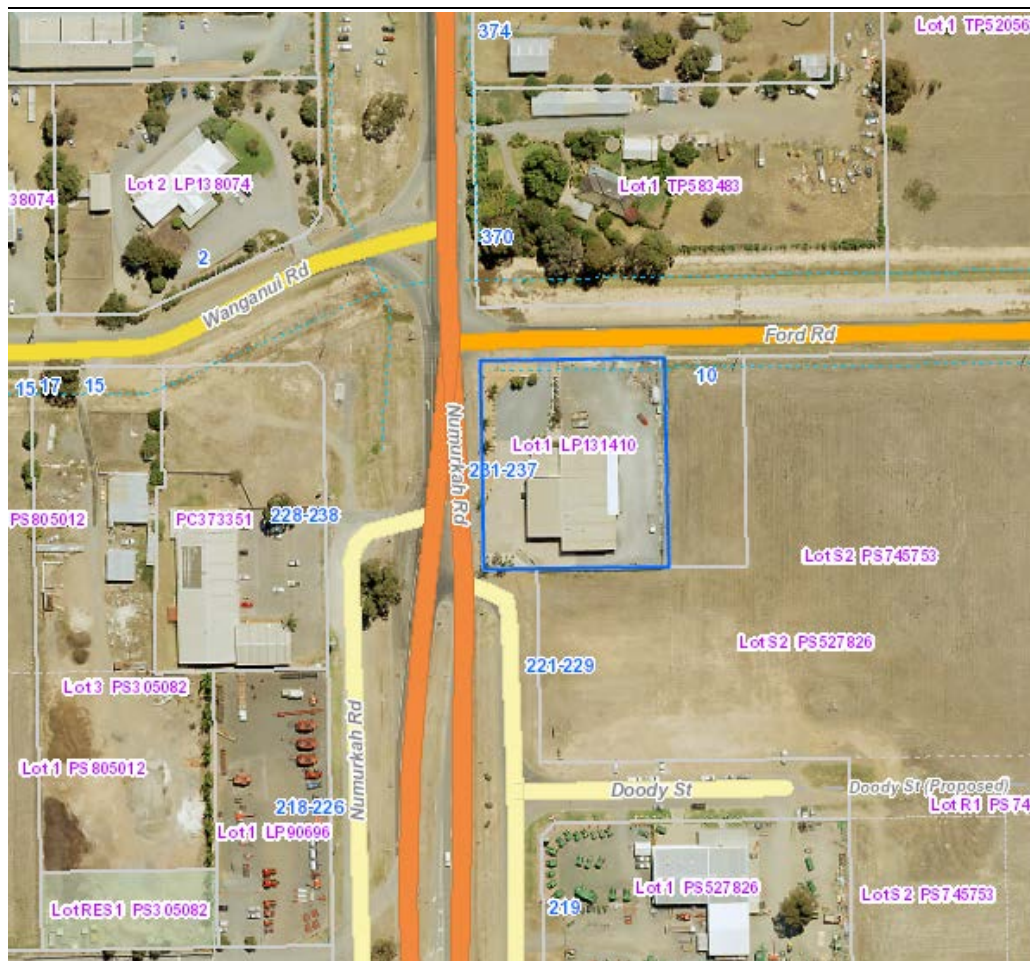
The main site/locality characteristics are:

- The site abuts vacant land to the south and east which is the subject of a combined planning scheme amendment and permit application to rezone the land to Commercial 1 and develop a large supermarket complex. This application has received submissions and has been forwarded to a panel.
- The land to the north of Ford Road has been identified for housing growth, however has yet to be developed to its full potential and still comprises a single dwelling.
- The land to the west on the opposite side of Numurkah Road to the subject land is used for a gym.

- Ford and Wanganui Roads have been identified as potential freight routes through Shepparton with Wanganui Road to form part of the northern off ramp for Stage 1 of the Goulburn Valley Highway Shepparton Bypass.

The Photos below show the existing site:





Permit/Site History

The history of the site includes:

- Planning permit 2012-98 allowed for the removal of a electricity easement.
- Planning permit 2012-91 allowed the erection and display of a major promotional sign 3.3 m x 12.6 m (southern elevation).
- Planning permit 2012-90 allowed the erection and display of a major promotional sign 2.2 m x 8.3 m (northern elevation).
- Planning permit 1997-623 allowed the land to be used and developed for an office ancillary to the existing industry

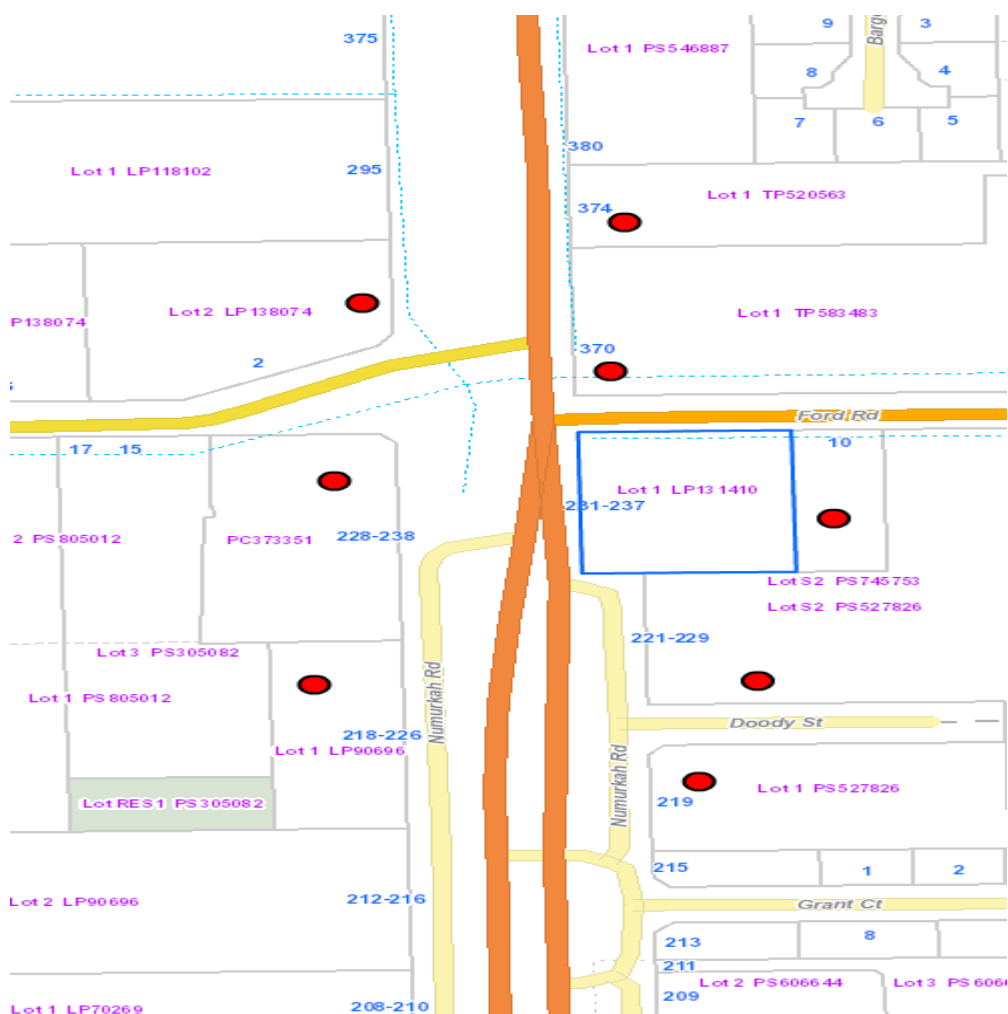
Further Information

Was further information requested for this application? **no**

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **the erection and display of an electronic major promotional sign (2.4 by 8.4 metres)**, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.



Objections

The Council has received **no** objections to date.

Title Details

The title does not contain a Restrictive Covenant or Section 173 Agreement

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Pre application discussions with applicant in which they were informed that the application would not be supported by the Council's Planning Department.

- The applicant was again informed after the applications were made that they would not be supported. The applicant was informed that Council officers would notify the applications to surrounding properties and refer to Vicroads and then prepare recommendation for refusal for Development Hearings Panel. The applicant was also informed that given it was the Council’s planning officers’ intention to refuse the application that the normal luminance reports and other planning justification would not be requested. The applicant was informed that this decision had been taken as it would prevent them from outlaying funds for an application that the officer intended on refusing on policy grounds. The applicant was informed that they if they wished to could still submit such documents.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 -Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
VicRoads	52.05-1	Determining	<p>The application for a planning permit was referred to Vicroads, who provided the following response: After speaking to Council, VicRoads notes the following:</p> <ol style="list-style-type: none"> 1. Council have advised the applicant that the application will be refused; 2. Council expects the refusal will or may result in a VCAT hearing; 3. Council requested that VicRoads provide some indicative requirements for the application content and they are as follows. VicRoads have informed that was an application to be considered for approval the following information would need to be submitted: <ol style="list-style-type: none"> a) Revised signage plan which clearly distinguishes all components of the proposed sign, including electronic versus illuminated sections. b) Further application documentation which satisfies: <ol style="list-style-type: none"> a. all requirements of Clause 52.05-2 and 52.05-3 of the Greater Shepparton Planning Scheme b. the ‘clear-zone’ requirements of the VicRoads Supplement to Austroads Guide to Roads Design – Part 6 c) Council to provide VicRoads with a lapse date. <p>VicRoads then advise that the application either fails to address or adequately address the application requirements of clause 52.05-2 , 52.05-3 and the decision guidelines of clause 52.05.</p>

Assessment

The zoning of the land

Commercial 2 Zone 34.02

The purpose of the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Pursuant to clause 34.02-8 of the zone advertising sign requirements are at Clause 52.05. this zone is in Category 1.

Relevant overlay provisions

No planning overlays affect the land.

The State Planning Policy Framework (SPPF)

Urban Design 15.01-1

Relevant objectives and strategies include:

- To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
- Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
- Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

Urban Design 21.04-4

Advertising signage is a key and often highly visible component of the physical environment of the municipality and the inappropriate design or placement of advertising signs can have a significant effect on the appearance and visual amenity of an area. Council wants to guide the location and display of signage within the municipality to ensure signage is compatible with the character and architecture of local streetscapes. The design, form, size and placement of advertising signs should be controlled so as to protect and enhance the

appearance of rural and urban areas and to avoid signs that are excessive, confusing or incompatible with the character of the surrounding area.

Objectives and strategies

- To control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment or the built form in the municipality.
- Control the location, size and scale of advertising signage, especially in key precincts of the Shepparton CBD and town centres.
- Ensure that the location, form and size of signs complements the dominate character of any urban or rural landscape, building, site or area on which they are erected.

Specific Implementation 21.04-7

- Fewer signs displaying a simple clear message is encouraged
- Advertising signage is encouraged to be primarily for business identification providing basic identification information of the business.
- Sky signs, high wall signs, projecting off-wall signs on upper facades and signs that project above parapets, wall, verandahs, roof lines or building fascias are discouraged in all areas
- Where a building is set back from the street, signs are encouraged to be located within the boundary and should be orientated to be parallel or at right angles to the street.
- Where possible signs should be located on the building.
- Major promotional signs are discouraged, but if approved are to be confined to Regional and sub-regional centres attached to a building wall and should not be more than 3 metres above the ground or to be internally or externally illuminated.

Relevant Particular Provisions

Advertising Signs 52.05

The purpose of this provision is to:

- Regulate the display of signs and associated structures;
- Provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character;
- To ensure signs do not contribute to excessive visual clutter or visual disorder;

- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Pursuant to Clause 52.05-5 a planning permit is required to display a major promotional sign.

Decision Guidelines 52.05-3

Before deciding on an application to display a sign, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The character of the area including:

- The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
- The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The consistency with any identifiable outdoor advertising theme in the area.

Impacts on views and vistas:

- The potential to obscure or compromise important views from the public realm.
- The potential to dominate the skyline.
- The potential to impact on the quality of significant public views.
- The potential to impede views to existing signs.

The relationship to the streetscape, setting or landscape:

- The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
- The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
- The ability to screen unsightly built or other elements.
- The ability to reduce the number of signs by rationalising or simplifying signs.
- The ability to include landscaping to reduce the visual impact of parts of the sign structure.

The relationship to the site and building:

- The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.

- The extent to which the sign displays innovation relative to the host site and host building.
- The extent to which the sign requires the removal of vegetation or includes new landscaping.

The impact of structures associated with the sign:

- The extent to which associated structures integrate with the sign.
- The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.

The impact of any illumination:

- The impact of glare and illumination on the safety of pedestrians and vehicles.
- The impact of illumination on the amenity of nearby residents and the amenity of the area.
- The potential to control illumination temporally or in terms of intensity.

The impact of any logo box associated with the sign:

- The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign
- The suitability of the size of the logo box in relation to its identification purpose and size of the sign.

The need for identification and the opportunities for adequate identification on the site or locality.

The impact on road safety. A sign is a hazard if the sign:

- Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.
- Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.
- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
- Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.

- Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
- Is within 100 metres of a rural railway crossing.
- Has insufficient clearance from vehicles on the carriageway.
- Could mislead drivers or be mistaken as an instruction to drivers.

Major Promotion sign 52.05-6

Decision Guidelines

- The effect of the proposed major promotion sign on:
 - Significant streetscapes, buildings and skylines.
 - The visual appearance of a significant view corridor, view line, gateway location or landmark site identified in a framework plan or local policy.
 - Residential areas and heritage places.
 - Open space and waterways.
- When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
 - Major promotion signs are encouraged in commercial and industrial locations in a manner which complements or enhances the character of the area.
 - Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
 - Major promotion signs are discouraged within open space reserves or corridors and around waterways.
 - Major promotion signs are discouraged where they will form a dominate visual element from residential areas, within a heritage place or where they will obstruct significant view lines.
- In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominate element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.

The decision guidelines of Clause 65

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Relevant incorporated or reference documents

There are no relevant incorporated or reference documents that relate to this application for a planning permit.

Other relevant adopted State policies or strategies policies

There are no relevant adopted State or strategic policies that relate to this application for a planning permit.

Relevant Planning Scheme amendments

Addendum to the Urban Design Framework – Shepparton North & South Business Areas

The Urban Design Framework - Shepparton North and South Business Areas (Addendum) 2017 (UDF Addendum) provides updated guidance for urban design at two of Shepparton's gateway sites, being the Shepparton North commercial area along the Goulburn Valley Highway, and the entrance to Kialla Lakes Drive from the Goulburn Valley Highway in Kialla. It includes policy guidance to be included in the Greater Shepparton Planning Scheme through Design and Development Overlays.

The UDF Addendum was adopted by Council at the Ordinary Council Meeting held on 20 June 2017.

The document, overlays and planning controls will be introduced into the planning scheme through an amendment soon to be exhibited.

The documents proposes to introduce the Design and Development Overlay onto the land with the following Objectives and Design Requirements:

Objectives

- To ensure signage respects the preferred character of the area.
- To encourage business identification signage that is coordinated and effective.
- To ensure signage does not dominate the site, building on which it is located, streetscape, surrounding landscape and other signage.
- To ensure all way-finding and directional signage is clearly visible and the safe operation of the Highway is prioritised.
- To avoid visual clutter on sites and in the public realm when viewed from the Highway.
- To minimise all promotional signage.
- To discourage animated and visually distracting signage.

Design Requirements

- Business identification signage should form an integral part of the building facade, appropriately proportioned to sit within the parapet or gable end, and not protrude above or beyond the building façade.
- Business identification information can be incorporated into one way-finding oriented sign at the entrance to each section of service road to reduce visual clutter.
- High wall, panel and sky signs are discouraged.
- Promotional signs that project outside the perimeter of the building, or are free-standing, are discouraged.
- Major promotion signs will only be considered acceptable on a temporary basis (e.g. a maximum of 5 years from the date of permit issue).
- Free-standing signage (e.g. blade or pole signs) must be set back a minimum distance of 1m from the front property boundary.
- Signage, including painted signs, located on a side wall should not occupy more than 50% of the area of the wall.

- Bunting, animated and reflective signs, including sandwich boards and inflatable and temporary signs, are discouraged.
- Colours, materials, animation and illumination that interfere with the safety or efficiency of traffic circulation, safety or function of the GVH as a major thoroughfare and Road Zone, Category 1 (RDZ1) must be avoided.
- Floodlit signs must ensure that the lighting is directed only onto the sign and does not cause distraction to drivers.
- The design of new buildings should take into account the likely need for signage by future occupants, and incorporate sign panels that meet these guidelines.
- Refer to Clause 52.05 of the Shepparton Planning Scheme for general requirements relating to signage.

Planning Scheme Amendment C193

The Amendment proposes to rezone land at 221-229 Numurkah Road and 10 Ford Road, Shepparton from the Commercial 2 Zone to Commercial 1 Zone and apply the Public Acquisition Overlay to part of 221-229 Numurkah Road, Shepparton, part of 38-50 Ford Road, Shepparton and part of 25 Hawkins Road, Shepparton. The land to be rezoned abuts the subject land on the eastern and southern boundaries.

An application for a planning permit is also being considered with the amendment under Section 96A and it will allow for the development of the land for a supermarket including smaller retail support stores.

This amendment and permit is to be considered by planning panels.

Are there any significant social & economic effects?

There are no relevant significant social or economic effects that relate to this application for a planning permit.

Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts that relate to this application for a planning permit.

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

Officer's Response

1. The proposal is for the erection and display of an electronic major promotional sign in the Commercial 2 Zone. The sign is proposed to be a free standing double sided sign with a v shaped configuration when viewed from above, commonly referred to as a 'V Board Sign'.
2. The sign will comprise two screens measuring 2.4 metres in height by 8.4 metres in width and will be orientated so as to be visible by the north and south bound traffic on Numurkah Road.
3. A permit was triggered under the Advertising Signage Particular Provision for the erection and display of an electronic major promotional sign in a category 1 area pursuant to clause 52.02-7.
4. The application was submitted with limited information with officers informing the applicant that the application would not be supported on a policy basis and would be recommended for refusal. On this position the officers informed that they would not ask for the required application requirements under the Planning Scheme to avoid an economic burden on the applicant, who limited their application material to a photograph of a similar type sign and a basic site plan.

LPPF

5. Greater Shepparton City Council does not discourage Major promotion signage outright and recognises that there is a place and location for such signage within the urban environment. This is highlighted in the Council's Local Planning Policy which identifies that signage is a key and often highly visible component of the physical environment of the municipality. The display of such signs within the Commercial areas of Municipality designated Category 1 Signage under the provisions are therefore seriously considered and Council recognises that these signs cannot be discouraged outright.
6. The Urban Design Objectives and Strategies at clause 21.04-4 of the LPPF identify that the number of signs and appearance be controlled so that the visual amenity of the built form is not adversely affected and that the dominate character of the built form is complemented by any proposed sign. The proposed free-standing sign does not seek to compliment the built form on the site and will form a dominate feature of

the site at an entrance to the Shepparton urban area from the north. The location of the sign set forward on the site away from the building will only create a more dominate feature of the sign, which is discouraged.

7. The siting and type of sign does not seek to adhere to the Advertising Sign – Policy Guidelines set out at clause 21.04-4 of the LPPF with the application:
 - a. Seeking to include another promotional sign onto a site in which two are already display, further cluttering the site;
 - b. Proposing a ‘V’ board sign which are specifically discouraged in all areas;
 - c. Proposing the sign as a free standing sign and not seeking to attach the sign to the existing building;
 - d. Proposing the display of a major promotional sign outside a designated regional or sub-regional centre within the municipality with the Shepparton CBD (regional) and Shepparton Market Place, Mooroopna CBD and Shepparton Plaza (sub-regional) the centre identified under the local planning policy at clause 21.06-5 of the Planning Scheme.

Particular Provisions

8. The proposed sign, in addition to the existing business identification signage and two major promotional signs on the land will contribute to visual clutter on the land and visual disorder, an outcome that the purpose of the zone seeks to avoid. Furthermore without appropriate traffic safety reports and given the comments provided from VicRoads, it is difficult to be satisfied that the sign will not adversely impact on the safety of the surrounding road users, also identified as a purpose of the advertising signs particular provision.
9. The application has not been submitted with any of the application requirements of clause 52.05-2, including those which apply to the display of signs exceeding 18 square metres in area, the most important of these being a report addressing the decision guidelines relating to road safety. As identified earlier in this report, the application requirements were discussed with the applicant, with an agreed process that the application would be recommended for refusal at Council’s Development Hearings Panel.
10. The Character of the locality is one of highway retail, with a number of vehicle sale outlets and bulky good retailers located to the south. The land to the north of the site is zoned for residential purposes and has yet to be developed for its full residential potential.
11. The display of an electronic sign within close proximity to land identified for further residential development is not considered to be in keeping with the desired character of the locality or providing a suitable interface.

12. The character of the immediate locality has the potential to change as identified in this report. Through the potential approval of a large scale supermarket development on the abutting land and the preparation of an addendum to the Shepparton urban Design Framework – Shepparton North and South Business Areas, the desired future character of the area will be altered and better guided.
13. The subject site is a gateway location to the urban area of Shepparton and will into the future with the further development of the surrounding land form a vital entrance to the town. The proposed sign which will be a dominate feature for not only the site but the broader locality is not considered to be compatible with desired future character of the locality or the signage theme which does not include electronic signs.
14. The sign does not in any way seek to incorporate itself with the site and will be located forward from the building along the Numurkah Road frontage.
15. The impact of illumination on the surrounding area and the sign's impact on road safety is difficult to determine without the required and appropriate reports. VicRoads have expressed concern that these reports have not been submitted and has informed that they are unable to provide comments regarding the proposal.
16. The proposed sign will not provide for the orderly development of the site or the locality with the addition of an electronic sign on the land likely to create clutter and confusion on a site already with significant major promotional signage.

Conclusion

The proposed erection and display of an electronic major promotion sign on the subject land is not considered to an acceptable planning outcome. The sign will add to the existing promotional signage onsite and create the effect of visual clutter. The sign which will be able to be electronically updated and in a 'v board' format is strongly discouraged by the Council's LPPF. The impacts of the sign on traffic safety are difficult to determine given the inadequate information and therefore the application despite insufficient policy support cannot be approved given this uncertainty.

The application is therefore recommended for refusal.

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2017-137

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 231-237 Numurkah Road SHEPPARTON VIC 3630

WHAT HAS BEEN REFUSED: The erection and display of an electronic major promotional sign

WHAT ARE THE REASONS FOR THE REFUSAL?

1. The proposed sign is contrary to Council's local planning policy on advertising signs as expressed in clause 21.04 – Urban Design. The proposal is contrary to the policy as:
 - a) The policy seeks fewer signs and primarily for business identification purposes;
 - b) The policy seeks to discourage 'V Board' signs in all locations;
 - c) The policy encourages locating of signs on buildings;
 - d) The policy discourages internally illuminated promotional signs;
 - e) The policy discourages major promotional signs unless in a regional or sub-regional centre.
2. The size, scale and type of sign does not produce acceptable planning outcomes under the decision guidelines of the 52.05-3 as:
 - a. The scale and type of sign is contrary to the existing and desired future character of the area in which it is proposed to be located at a gateway location to the Shepparton urban area;
 - b. The proposal has the potential to create visual disorder or clutter onsite with existing major promotional signs already displayed on the land;
 - c. The proposal does not seek to provide any relationship between the building and site on which it is to be located;
 - d. The impacts of glare and illumination on the safety of pedestrians and vehicles and proposed nearby residential areas is unknown given the insufficient information submitted;

- e. There is no need for additional major promotional signage on the site given the existing two signs;
 - f. There are uncertainties surrounding the signs impact on road safety given an insufficient level of information provided with the application.
3. The proposed sign does not produce a satisfactory outcome having regard to the decision guidelines of clause 65 and the orderly planning of the area.

Application Details:

Responsible Officer:	Sarah van Meurs / (report prepared by Alex Winfield)
Application Number:	2017-138
Applicant Name:	Sabri Family Super Fund
Date Received:	22-May-2017
Statutory Days:	234
Land/Address:	7967 Goulburn Valley Highway KIALLA VIC 3631
Zoning & Overlays:	Commercial 2 Zone Abuts a Road Zone category 1 Design and Development Overlay (DDO7) Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	52.05-7 - the erection and display of a major promotional electronic sign 43.02-2 – variation to design requirements of the DDO7
Are there any Restrictive Covenants on the title?	Lot 2 on Plan of Subdivision 522173G. There are no Covenants or Agreements registered on the Title. There are easements registered on the Title Plan to the land (E1 – pipeline or ancillary purposes in favour of GMW, E-2 – Carriageway purposes in favour of Lot 1 in the subdivision, and E5- pipeline or ancillary purposes in favour of GMW). The proposal does not conflict with any of the easements registered on Title.
Is a CHMP required?	The site is not located within an area of Cultural Heritage Sensitivity and therefore there is no requirement for a Cultural Heritage Management Plan to be prepared for this project.
Was the correct application fee paid	Yes, fee paid

Proposal

The application for a planning permit proposes the erection and display of a double sided electronic major promotional sign with dimension of 8.4 by 2.4 metres (advertising area of 20.16 m² on each side, therefore a total advertising area of 40.32 m²).

The application has been submitted with very limited information, however as Council intends to refuse the application, it was decided to advertise and refer the application and then recommend refusal.

This has been decided as the path of action so as to avoid placing significant costs on the applicant for the preparation of plans and reports required by the scheme.

Multiple discussions have been had with the applicant where they were informed that the application would not be supported and recommended for refusal.

Summary of Key Issues

The application proposes the erection and display of an electronic major promotional sign and variation to design requirements of the Design and Development Overlay (DDO7).

The site is a vacant property within an established Commercial 2 zoned strip precinct on the Goulburn Valley Highway, a Category 1 Road (VicRoads managed road).

Major promotion signage requires planning approval under the provisions of Clause 52.05 – Advertising signage. The proposal has also been considered against the signage requirements of the Design and Development Overlay, Schedule 7.

The key considerations for this application are whether the form, scale, siting and purpose of the advertising sign are appropriate for the site and its context having regard to the pattern and character of established development and signage within the precinct, and whether the proposal signage will create any adverse impacts on the function and safety of the Goulburn Valley Highway.

Recommendation

Refusal

That the Council having caused notice of Planning Application No. **2017-138** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of 21.04-1, 43.02, 52.05 and 65 of the Greater Shepparton Planning Scheme in respect of the land known and described as **7967 Goulburn Valley Highway KIALLA VIC 3631**, for the **erection and display of an electronic major promotional sign and variation to design requirements of the Design and Development Overlay (DDO7)**.

For the following reasons:

- The proposed signage is inconsistent with the objectives of Clause 21.04-4 of the Greater Shepparton Planning Scheme as the sign will be out of character with the dominant form and character of the landscape.
- The proposal is inconsistent with Clause 6.0 of Schedule 7 to the Design and Development Overlay which expressly discourages promotional signs and identifies that Business identification signs should not exceed the maximum size of 1 m high by 3 m long.
- The application requirements of Clause 52.05-2 of the Greater Shepparton Planning Scheme have not been adequately addressed by the application.
- The proposed free standing Major promotional sign on a vacant allotment will not complement or enhance the character of the area and would form a dominant element of the streetscape, obstructing view lines to established commercial sites.
- The proposal would have an unreasonable impact on the visual amenity of the area and would not result in the orderly planning of the area.

Moved by Colin Kalms

Seconded by Nilesh Singh

That the Council having caused notice of Planning Application No. **2017-138** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of 21.04-1, 43.02, 52.05 and 65 of the Greater Shepparton Planning Scheme in respect of the land known and described as **7967 Goulburn Valley Highway KIALLA VIC 3631**, for the **erection and display of an electronic major promotional sign and variation to design requirements of the Design and Development Overlay (DDO7)**.

Amendment to the recommendation and Refusal to Grant a Permit as follows:

Additional of the wording 'and use of land for a promotional sign'; to the end of the recommendation and also the Refusal to Grant a Permit; sub heading – WHAT HAS BEEN REFUSED to read:

the erection and display of an electronic major promotional sign and variation to design requirements of the Design and Development Overlay (DDO7) and use of land for a promotional sign.

CARRIED

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

Date: 22 January 2018 Time: 9.30am

The site has a total area of 1,931 square metres. The key characteristics of the site are described as:

- Vacant land.
- Oriented generally east to west.
- Boundary fencing, including steel picket fencing across the street frontage. Side boundaries / boundary of carriageway easement towards the front section of the site also delineated by steel picket style fencing. Balance of boundary fencing is colorbond.
- Internal colorbond fence divides the site into two, creating an approximately 480 square metre section presenting to the street, with the balance of the site screened to the rear.
- Established landscaping at the front section of the site presenting to the street, comprising palm trees with low level plantings between in the south east corner of the site.
- Front section of the site is surfaced with compacted crushed rock.
- Site access via an established concrete crossover and driveway along the alignment of the carriageway easement that also services the adjoining property to the north.
- The main site/locality characteristics are:
- Goulburn Valley Highway is a Category 1 Road under the control and management of VicRoads.
- The site access is via a service road along the alignment of the Goulburn Valley Highway (as opposed to directly to the Highway itself). A median strip separated the service lane from the Highway.
- A street tree is located generally centrally in the road reserve in front of the site.
- The site is located within the Commercial 2 Zone, on a strip on the western side of the Goulburn Valley Highway that runs from Taig Avenue to the north and extends approximately 350 metres south of the site.
- The adjoining site to the north is commercially used and developed. The site contains a large warehouse at the rear with an attached office building presenting to the Highway, setback approximately 15 metres from the street. The site frontage is landscaped and the access and areas set aside for the movement and parking of vehicles is concrete.
- Adjoining site to the south is developed with an office and warehouse for Hot and Cold Shop, a heating and cooling supplier / installer. The building presents to the Highway, setback by approximately 20 metres. The frontage of the site (access and parking) and access along part of the northern boundary constructed with concrete. Some landscaping is present around the building.

- Properties along the commercial strip to the south comprise a mix of vacant sites and commercial sites typically developed with warehouses and associated offices.
- Land to the west (rear) of the site is zoned General Residential. Abutting properties are developed with dwellings presenting west. Rear yards of dwellings about the residential / commercial zone interface.

The photo below shows the existing site:



Permit/Site History

The history of the site includes:

Planning permit 2008-53 was issued for the development of the land for a retail premise, however was never acted upon and has now expired.

Further Information

Was further information requested for this application?

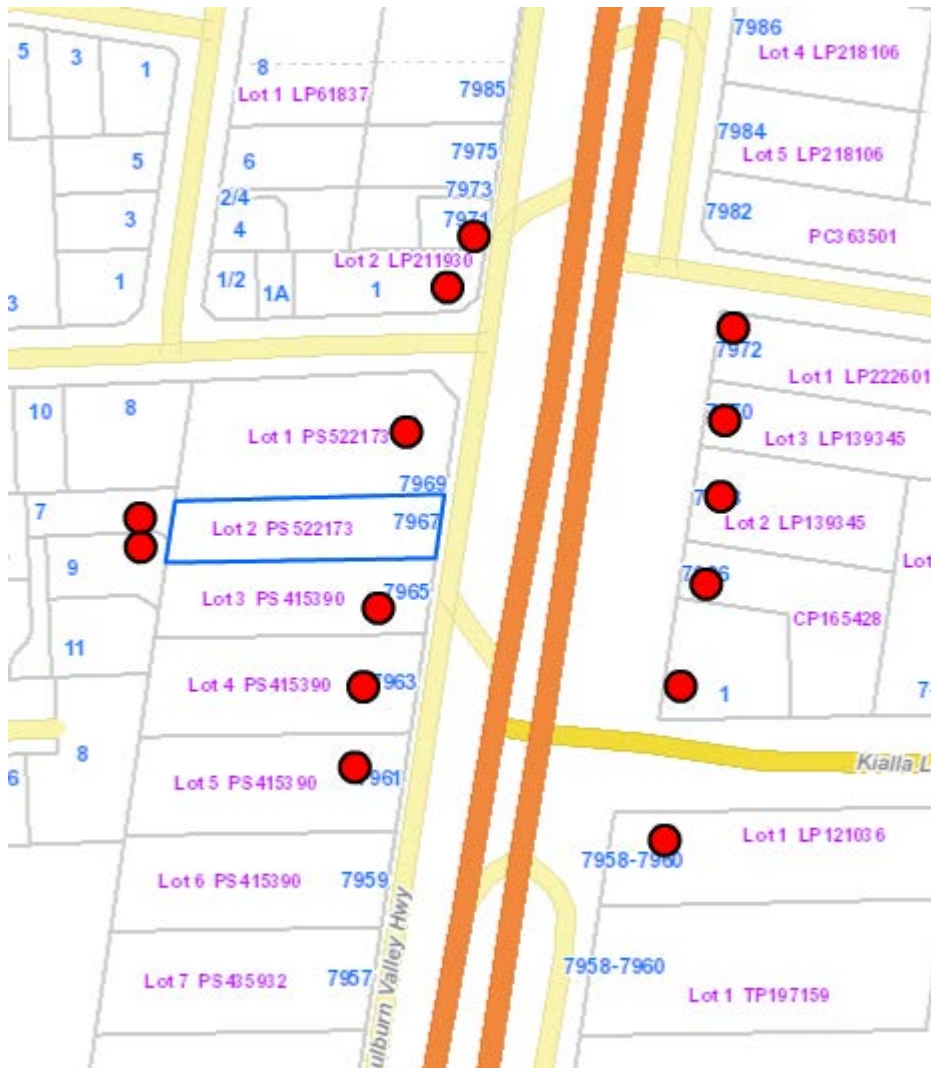
No. The application has been submitted with very limited information, however as council intends to refuse the application, it was decided to advertise and refer the application and then recommend refusal. This has been decided as the path of action so as to avoid placing significant costs on the applicant for the preparation of plans and reports required by the scheme.

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **the erection and display of an electronic major promotional sign (2.4 by 8.4 metres) and variations to the design requirement of the Design and Development Overlay (DDO7)**, by:

Sending notices to the owners and occupiers of adjoining land.

Placing a sign on site.



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 13/6/2017 and 27/6/2017.

Objections

The Council has received **one** objection to date. The key issues that were raised in the objections are.

Reason for objection	Planning Response
Detracts from neighbouring	The siting of the proposed sign towards the

business/competing with existing business advertising signage as proposed sign is right on the boundary	frontage of the site is in an area that on other developed sites in the precinct forms part of the street setback, typically occupied by car parking, access and landscaping. Buildings, structures and signage are not typically sited within these setbacks. The siting and size of the proposed signage does have the potential to become a dominant element of not only the site, but this section of the streetscape that may detract from and directly reduce visibility to existing signs on abutting commercial properties.
Block visual of neighbouring business when travelling south on Goulburn Valley Highway	The siting and size of the proposed signage does have the potential to block / limit views to existing signs / sites, particularly those sites immediately abutting the subject land. This matter is a consideration of the Decision guidelines for signage under Clause 52.05.
Advertising on the sign may impact on the reputation and image of neighbouring business as could be mistakenly be associated with neighbours business	The sign is proposed to be located on an existing vacant site that is fenced off from adjoining properties therefore it is unlikely that the sign would be interpreted as being directly associated with any other property.

Title Details

The title does not contain a Restrictive Covenant or Section 173 Agreement.

Consultation

Relevant aspects of consultation, included:

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Vicroads	52.05-1	Determining	<p>The application was referred to the VicRoads who requested the following:</p> <ol style="list-style-type: none"> 1. Revised signage plan which clearly distinguishes all components of the proposed sign, including electronic versus illuminated sections. 2. Further application documentation which satisfies:

			<ul style="list-style-type: none"> i. all requirements of Clause 52.05-2 and 52.05-3 of the Greater Shepparton Planning Scheme ii. the 'clear-zone' requirements of the VicRoads Supplement to Austroads Guide to Roads Design – Part 6 <p>3. Council to provide VicRoads with a lapse date.</p> <p>In addition, VicRoads wish to advise that an initial assessment of the proposal has identified the following issues:</p> <p>1. Generally speaking the application either fails to address or adequately address the following:</p> <p>52.05-2 Application requirements</p> <ul style="list-style-type: none"> • A site context report, using a site plan, photographs or other methods to accurately describe: <ul style="list-style-type: none"> ○ The location of closest traffic control signs. • The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms. • Details of any form of illumination including details of baffles and the times at which the sign would be illuminated. To address this requirement VicRoads requires the following: <ul style="list-style-type: none"> ○ A report by a suitably qualified lighting engineer describing this sign's level of illumination and the manner in which the lighting output of the sign will be managed to ensure that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the sign. ○ The manner in which light spillage from the sign will be controlled. • The colour, lettering style and materials of the proposed sign. <ul style="list-style-type: none"> ○ With regard to materials this includes a listing of the various components of the sign and sign face which demonstrates which parts will be electronic versus internally illuminated and these areas must be marked on a plan that shows the different areas of the sign. The plan submitted with the application simply says "Area reserved for promotional purposes" and further detail is required as noted above. • For animated or electronic signs, a report addressing the decision guidelines at Clause 52.05-3 relating to road safety. The assessment must be undertaken by suitably qualified lighting and traffic engineering consultants addressing each of the following: <p>The impact on road safety. A sign is a safety hazard if the sign:</p> <ul style="list-style-type: none"> ○ Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property. ○ Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device. ○ Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing. ○ Is at a location where particular concentration is required, such as a high pedestrian volume
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			<p>intersection.</p> <ul style="list-style-type: none"> ○ Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows. ○ Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic. ○ Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely. ○ Is within 100 metres of a rural railway crossing. ○ Has insufficient clearance from vehicles on the carriageway. ○ Could mislead drivers or be mistaken as an instruction to drivers.
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Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
No external notices were required	Not applicable.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
No internal notices were required	Not applicable.

Assessment

The zoning of the land

The land falls within the **Commercial 2 Zone**.

Signage in the C2Z falls within Category 1 of the advertising requirements at Clause 52.05 of the Scheme.

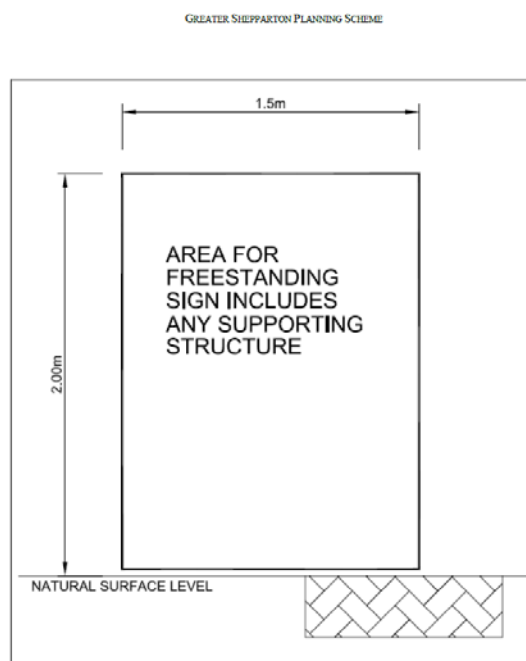
Relevant overlay provisions

The land falls within the **Design and Development Overlay – Schedule 7 (Kialla Park Boulevard Precinct)**.

Clause 43.02-4 of the Design and Development Overlay identifies that Advertising sign controls are at Clause 52.05 unless otherwise specified in a schedule to the Overlay.

Schedule 7 to the Design and Development Overlay identifies Advertising sign requirements at Clause 6.0. The requirements of Clause 6.0 are identified and responded to as follows:

- *One business identification sign is permitted per development.* Not applicable as there is no business on the land for the sign to identify. The intent of this requirement is however to limit the amount of signage within the precinct.
- *Multiple business occupancies are to share space on the sign.* Not applicable as there are no business on the land for the sign to identify. The intent of this requirement is however to limit the amount of signage on sites and ensure that signage is consolidated onto single structures where multiple businesses exist to avoid visual clutter from multiple signs on sites.
- *Freestanding business identification signs are to fit in an envelope that is a maximum height of 1 metre, and a maximum width of 3 metres. Exemptions may be made for signs comprised of individual letters that form an integral part of the building façade.* Not applicable as the proposed sign does not meet the definition of a Business identification sign, however the proposed sign has dimensions of 8.4 metres by 2.4 metres (advertising area of 20.16 square metres on each side, therefore a total advertising area of 40.32 square metres), which exceed the dimensions identified by the requirements.



- *Promotional signs should be avoided.* A Promotion sign is defined as “A sign of less than 18 m² that promotes goods, services or an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited”. The proposed sign is actually a Major promotion sign as it has an area exceeding 18 m² in area, however it is clear that the proposed sign is contrary to the intent of this requirement of the Design and Development Overlay which seeks to avoid signage that promotes businesses that do not operate from the site.

- *Above verandah signs including V-board signs and advertising elements such as banners, flags and inflatables should be avoided.* Not applicable as there are no buildings on the land.
- *Colours and materials that interfere with the safety or efficiency of traffic circulation should be avoided.* Insufficient information has been submitted with the application to consider whether the proposal will appropriately respond to this requirement, and to allow VicRoads to determine whether the proposed sign appropriately meets this requirement.

The land also falls within the **Land Subject to Inundation Overlay**.

The provisions of the Land Subject to Inundation Overlay do not identify that a planning permit is required for a sign.

The Schedule to the Land Subject to Inundation Overlay identifies that no planning permit is required for an outdoor advertising sign / structure.

The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

Clause 21.04-4 – Urban Design identifies with respect to signage that inappropriate design and placement of advertising signs can have a significant effect on the appearance and visual amenity of an area. Council wants to guide the location and display of signage within the municipality to ensure signage is compatible with the character and architecture of local streetscapes. The design, form, size and placement of advertising signs should be controlled so as to protect and enhance the appearance of rural and urban areas and to avoid signs that are excessive, confusing or incompatible with the character of the surrounding area.

The relevant Objective for Urban Design is to “*control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment the built form in the municipality*”.

The relevant strategies for signage are to:

- *Ensure that the location, form and size of signs complement the dominant character of any urban or rural landscape, building, site or area on which they are erected.*
- *Control the location, size and scale of advertising signage, especially in key precincts of the Shepparton CBD and town centres.*

The proposed Major Promotion signage is considered to be inconsistent with the Urban Design objectives of Clause 21.04-4 because it will result in a large, free standing sign that will be out of character with the dominant form and character of the landscape that typically limits signage to business identification signs sited on buildings. The proposed sign will disrupt the visual amenity of the area and is inappropriate for the location in terms of its purpose, overall size and siting.

Relevant Particular Provisions

Advertising Signs 52.05

The purpose of this provision is to:

- *Regulate the display of signs and associated structures;*
- *Provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

The proposed sign is defined as a “Major promotion sign”, which is “A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited”.

A Major promotion sign is a Section 2 – Permit required sign in Category 1 of Clause 52.05.

Pursuant to Clause 52.05-5 a planning permit is required to display a Major promotional sign.

Application Requirements 52.05-2

An application to display an advertising sign must be accompanied by specified information, as appropriate, including:

- *A site context report.*
- *Dimensions, height above ground level and extent of projection of the proposed sign.*
- *The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.*
- *For any sign over 18 square metres in area:*
 - *A description of the existing character of the area including built form and landscapes.*
 - *The location of any other signs over 18 square metres, or scrolling, electronic or animated signs within 200 metres of the site.*
 - *Any existing identifiable advertising theme in the area.*
 - *Photo montages or a streetscape perspective of the proposed sign.*
 - *Level of illumination including:*

– lux levels for any sign on or within 60 metres of a Road Zone or a residential zone or public use zone;

– the dwell and change time for any non-static images.

- *The relationship to any significant or prominent views and vistas.*

None of the application requirements of Clause 52.05-2 have been adequately addressed by the application.

It is noted that VicRoads in their referral response of 17 July 2017 have determined that in its view the application either fails to address or adequately address the relevant requirements of Clause 52.05-2.

Decision Guidelines 52.05-3

Before deciding on an application to display a sign, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The character of the area including:

- *The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.*
- *The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.*
- *The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.*
- *The consistency with any identifiable outdoor advertising theme in the area.*

Impacts on views and vistas:

- *The potential to obscure or compromise important views from the public realm.*
- *The potential to dominate the skyline.*
- *The potential to impact on the quality of significant public views.*
- *The potential to impede views to existing signs.*

The relationship to the streetscape, setting or landscape:

- *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*
- *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
- *The ability to screen unsightly built or other elements.*
- *The ability to reduce the number of signs by rationalising or simplifying signs.*
- *The ability to include landscaping to reduce the visual impact of parts of the sign structure.*

The relationship to the site and building:

- *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
- *The extent to which the sign displays innovation relative to the host site and host building.*
- *The extent to which the sign requires the removal of vegetation or includes new landscaping.*

The impact of structures associated with the sign:

- *The extent to which associated structures integrate with the sign.*
- *The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.*

The impact of any illumination:

- *The impact of glare and illumination on the safety of pedestrians and vehicles.*
- *The impact of illumination on the amenity of nearby residents and the amenity of the area.*
- *The potential to control illumination temporally or in terms of intensity.*

The impact of any logo box associated with the sign:

- *The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign*
- *The suitability of the size of the logo box in relation to its identification purpose and size of the sign.*

The need for identification and the opportunities for adequate identification on the site or locality.

The impact on road safety. A sign is a hazard if the sign:

- *Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.*
- *Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.*
- *Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.*
- *Is at a location where particular concentration is required, such as a high pedestrian volume intersection.*

- *Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.*
- *Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.*
- *Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.*
- *Is within 100 metres of a rural railway crossing.*
- *Has insufficient clearance from vehicles on the carriageway.*
- *Could mislead drivers or be mistaken as an instruction to drivers.*

The proposal has been assessed against the relevant decision guidelines of this Clause and it is considered that:

- The proposed free standing Major promotion sign on a vacant site will result in unacceptable visual disorder or clutter due to its purpose (i.e. not Business identification signage), its significant size and its siting close to the street (within a distance typically forming a street setback of buildings to the street).
- The provision of a free standing major promotion sign on a vacant site is inconsistent with the character / theme of advertising signage within the precinct that typically comprises of Business identification signage only, generally sited on buildings rather than being free standing at the street frontage.
- The siting of the sign close to the street boundary (within a typical setback of buildings to the street) the site has significant potential to impede views to existing signs.
- Insufficient information has been provided to determine whether the proposal will have an impact on road safety, with VicRoads having identified a report prepared by a suitable qualified lighting and traffic engineering consultant addressing road safety would be required to allow for proper consideration of this issue.

Major Promotion sign 52.05-6

Major promotion signs have their own provisions that aim to:

- *Achieve high quality visual standards for the siting of major promotion signs.*
- *Ensure that the signs are not detrimental to the appearance of their surroundings or the safe and efficient operation of the route through the application of consistent planning controls.*

Decision Guidelines for Major promotion signs are identified as:

- *The effect of the proposed major promotion sign on:*
 - *Significant streetscapes, buildings and skylines.*

- *The visual appearance of a significant view corridor, view line, gateway location or landmark site identified in a framework plan or local policy.*
- *Residential areas and heritage places.*
- *Open space and waterways.*
- *When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:*
 - *Major promotion signs are encouraged in commercial and industrial locations in a manner which complements or enhances the character of the area.*
 - *Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.*
 - *Major promotion signs are discouraged within open space reserves or corridors and around waterways.*
 - *Major promotion signs are discouraged where they will form a dominate visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.*
 - *In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominate element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.*

It is considered that a free standing Major promotional sign on a vacant allotment will not complement or enhance the character of the area. The sign would form a dominant element of the streetscape and would obstruct view lines to established commercial sites.

The decision guidelines of Clause 65
65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

The proposal has been considered with respect to the relevant decision guidelines and for the reasons previously identified it is considered that the proposal would not result in the orderly planning of the area and would have an unreasonable impact on the amenity of the area.

Relevant incorporated or reference documents

The urban Design Framework – Shepparton North & South Business Areas, this document forms the strategic background behind Schedule 7 to the Design and Development Overlay

Other relevant adopted State policies or strategies policies

There are no relevant adopted State or strategic policies that relate to this application for a planning permit.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme Amendments that relate to this application for a planning permit.

Are there any significant social & economic effects?

There are no relevant significant social or economic effects that relate to this application for a planning permit.

Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts that relate to this application for a planning permit.

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

Conclusion

As the application has not met the application requirements of Clause 52.05-2 and as the proposed sign does not meet the design requirements of Clause 44.03, it is considered that the proposal would result in a sign that is inappropriate in terms of its form, scale and siting and may present a risk to road safety and therefore the application should be refused.

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO:	2017-138
PLANNING SCHEME:	GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY:	GREATER SHEPPARTON CITY COUNCIL
ADDRESS OF THE LAND:	7967 Goulburn Valley Highway KIALLA VIC 3631
WHAT HAS BEEN REFUSED:	The erection and display of an electronic major promotional sign and variation to design requirements of the Design and Development Overlay (DDO7)

WHAT ARE THE REASONS FOR THE REFUSAL?

1. The proposed signage is inconsistent with the objectives of Clause 21.04-4 of the Greater Shepparton Planning Scheme as the sign will be out of character with the dominant form and character of the landscape.
2. The proposal is inconsistent with Clause 6.0 of Schedule 7 to the Design and Development Overlay which expressly discourages promotional signs and identifies that Business identification signs should not exceed the maximum size of 1 m high by 3 m long.
3. The application requirements of Clause 52.05-2 of the Greater Shepparton Planning Scheme have not been adequately addressed by the application.
4. The proposed free standing Major promotional sign on a vacant allotment will not complement or enhance the character of the area and would form a dominant element of the streetscape, obstructing view lines to established commercial sites.
5. The proposal would have an unreasonable impact on the visual amenity of the area and would not result in the orderly planning of the area.

Application Details:

Responsible Officer:	Tim Watson
Application Number:	2017-283
Applicants Name:	M J Rudge and T I Rudge
Date Application Received:	25 September 2017
Statutory Days:	122 (as at 7 February 2018)
Land/Address:	117 Zeerust School Road ZEERUST VIC 3634
Zoning and Overlays:	Farming Zone 1 Floodway Overlay Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	Use of land for a dwelling in the Farming Zone under Clause 35.07-1 Buildings and works for a dwelling in the Farming Zone under Clause 35.07-4 Buildings and works for a dwelling in the LSIO under 44.04-1
Are there any Restrictive Covenants on the title?	No

Proposal

The application proposes to use and develop the land for a dwelling.

The land has an area of approximately 26 ha, and is currently undeveloped (i.e. does not contain any dwelling or other buildings).

The proposed dwelling is to be sited in the southern part of the lot (setback 40 – 50 metres from the southern boundary) and setback approximately 220 metres from the Zeerust School Road property boundary. The dwelling is proposed to contain three bedrooms plus a study and a games room, kitchen, meals, lounge and family rooms, laundry, bathroom, toilet and an attached double garage.

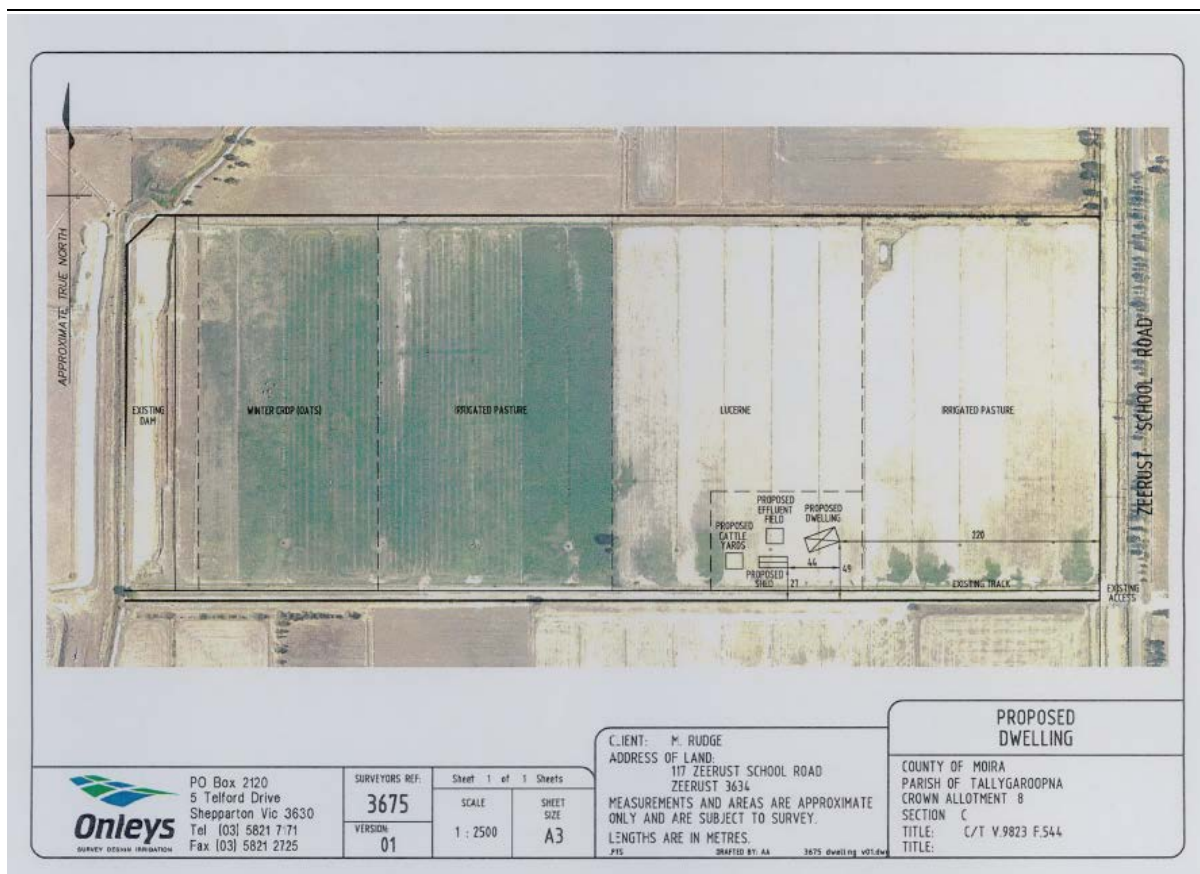
An on-site effluent treatment system is proposed to treat all wastewater from the dwelling.

An outbuilding is also proposed near the dwelling, setback approximately 27 m from the southern property boundary.

The existing access to the site at the south east corner of the property would be utilised, which services an existing internal driveway along the southern boundary of the site.

The dwelling would be sited in an area fenced from the balance of the site that would also include proposed cattle yards. The site plan identifies that the balance of the land is set aside as paddocks for irrigated pasture (two paddocks), Lucerne (single paddock) and winter crop (Oats, one paddock). The western most portion of the site would retain an existing dam.

A plan of the proposed development is below.



The application identifies that the proposed dwelling would support the establishment of a calf rearing and fodder production enterprise. The application identifies the make-up of proposed farming activities:

- Stock – calves (120)
- Cereal crops – 5 ha

The application material also provided commentary around proposed pasture renovation, weed management, pest animal management, vegetation (planting), and a yearly schedule of land management requirements.

Summary of Key Issues

The application proposes the use and development of a dwelling in the Farming Zone.

The site is located within an area of strategic agricultural importance, and is agriculturally used and developed. The key considerations for this application are:

- Whether the proposal meets the objectives and appropriately addresses the Decision guidelines of the Farming Zone.
- Whether a dwelling is reasonably required to support the agricultural use of the land.

- Whether the proposal is consistent with the objectives of the Local Planning Policies for Agricultural and for Rural Dwellings, and whether the proposal satisfies the Criteria for Dwellings in Rural Areas under the Rural Dwellings Policy.
 - Whether it can be reasonably expected that the agricultural use of the site will continue given that the Regional Rural Land Use Strategy identifies *Calf raising* is commonly proposed and often not maintained resulting in rural lifestyle dwellings.
-

Recommendation

Refusal

That the Council having caused notice of Planning Application No. **2017-283** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of **Clause 35.07-1 and 35.07-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **117 Zeerust School Road ZEERUST VIC 3634**, for the **use and development of a dwelling in the Farming Zone Schedule 1 and buildings and works in the Land Subject to Inundation Overlay**

For the following reasons:

- 1) The proposed dwelling is inconsistent with the objectives of Clause 21.06-1 of the Greater Shepparton Planning Scheme as:
 - a) The dwelling is not reasonably required to facilitate the growth of the existing farm business.
 - b) The proposed dwelling has not been adequately justified with respect to the considerations for dwellings detailed in the Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy.
- 2) The proposed dwelling is inconsistent with the objectives of Clause 21.06-3 of the Greater Shepparton Planning Scheme as:
 - a) New dwellings are to be discouraged unless it can be demonstrated that it is required for the agricultural use of the land.
 - b) New dwellings are to support rural activities and production and are not to meet lifestyle objectives.
 - c) The dwelling has potential to result in amenity conflict between existing rural enterprises.
- 3) The proposed dwelling does not meet the Criteria for new dwellings under Clause 21.06-3 as the dwelling is not required for the operation of the rural use of the land.
- 4) The proposal is inconsistent with the objectives of the Farming Zone as it has not been adequately demonstrated why a dwelling is required on the land to support the existing agricultural activities.
- 5) The proposal does not satisfy the relevant decision guidelines of the Farming Zone as the dwelling is not required to support agricultural use of the site, and a dwelling in

the area has the potential to result in the loss or fragmentation of productive agricultural land and result in land use conflict.

Moved by Colin Kalms

Seconded by Michael MacDonagh

That the Council having caused notice of Planning Application No. **2017-283** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of **Clause 35.07-1 and 35.07-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **117 Zeerust School Road ZEERUST VIC 3634**, for the **use and development of a dwelling in the Farming Zone Schedule 1 and buildings and works in the Land Subject to Inundation Overlay**

CARRIED

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

Date: 22 January 2018

Time: 10.30 am/pm

The site is described as follows:

- Generally rectangular shaped allotment with a frontage to Zeerust School Road of approximately 300 metres and a depth of approximately 825 metres.
- The land is oriented generally east to west along its longest axis.
- The land has a total area of 26.24 ha.
- The land is generally flat, with a slight fall to the north.
- Vehicle access to the site is via a rural (unsealed) crossover to the Zeerust School Road at the south east corner of the site.
- An existing internal driveway / track provides access within the site along the southern property boundary.
- There are no existing buildings on the site.

-
- A large, rectangular dam is located in the western portion of the site, running along width of the lot.
 - A smaller dam is located near the northern boundary, setback approximately 180 metres from the Zeerust School Road boundary.
 - The land is predominantly cleared of vegetation, and the application identifies the site has historically been used for cropping and grazing.
 - A rural channel runs along the road reserve alignment at the eastern boundary of the site, with the irrigation outlet in the south east corner of the property.

The main site/locality characteristics are:

- Zeerust School Road is a rural profile sealed, local road with a single lane vehicle traffic in each direction and gravel shoulders.
- The access at the south east corner of the site also services the adjoining property to the south at 115 Zeerust School Road.
- The land at 115 Zeerust School Road is an approximately 12.5 hectare property. The land is developed with a single dwelling located at the eastern frontage of the site, generally centrally along the width of the property. In addition to being used for a dwelling, this property is used for light grazing and fodder production.
- The adjoining land to the north at 195 Zeerust School Road has an area of approximately 32 hectares and is developed with a dwelling in the north east corner of the site. The balance of the land is used for agriculture (grazing and fodder production).
- A rural water channel runs along the road reserve on the western side of Zeerust School Road.
- GMW's Shepparton 15 Channel and Shepparton 4/11 Drain are adjacent to the site to the west.
- Land opposite the site to the east is known as 45 Watson Lane, Zeerust. The site has an area of approximately 60 hectares. The site is used for agriculture (dairy farm and crop raising).
- The broader area is characterised by use for grazing and cropping purposes.

The Photos below show the existing site:



Permit/Site History

The history of the site includes:

- There is no relevant planning history to the land on record.

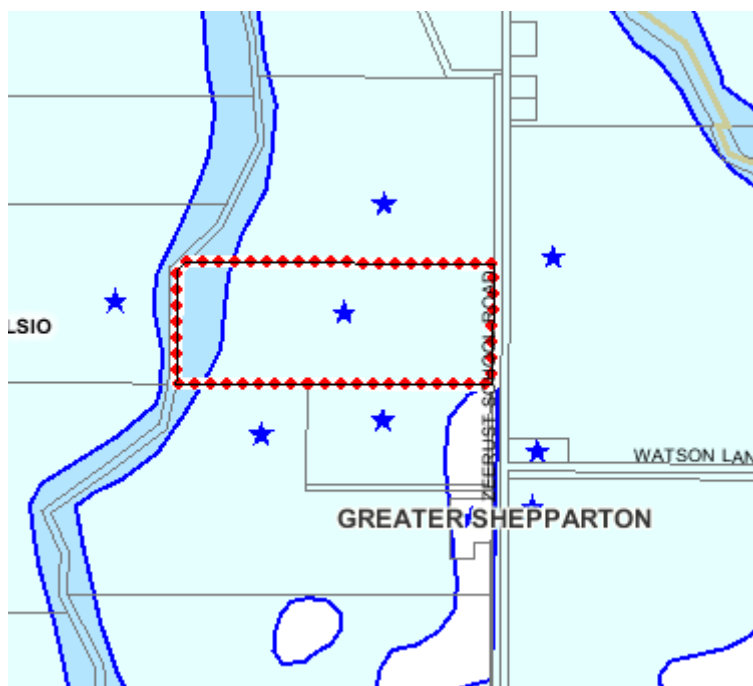
Further Information

Was further information requested for this application? **No**

Public Notification

The application will be advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description use and development of land for a dwelling, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 3 November 2017 and 16 November 2017.

A statutory declaration confirming the same was received by Council on 17 November 2017.

Objections

The Council has received one objection to date. The key issues that were raised in the objection are.

Reason for objection	Planning Response
<p>Farming zoned land under 100 acres cannot have a new dwelling built upon it, and cropping and irrigating is not intensive farming which would allow approval of a dwelling.</p>	<p>A permit is required to justify a dwelling under the identified minimum lot size of the Farming Zone or a Schedule to the Farming Zone, as is the case in this instance.</p> <p>Whether a dwelling is required to support cropping, irrigating and calf raising is a key consideration of the application, and as demonstrated in this report it is acknowledged that a dwelling may not be reasonably required to support the ongoing agricultural use of the site.</p>
<p>Loss of privacy due to views to the proposed new dwelling.</p>	<p>The proposed dwelling would be sited approximately 40 metres off the southern boundary, and setback 220 metres from Zeerust School Road. The existing dwelling at 115 Zeerust School Road is sited near the street frontage, and approximately 120 metres south of the boundary separating to the two sites.</p> <p>The two dwellings would be separated by approximately 240 metres.</p> <p>This level of separation is considered quite reasonable in a rural setting. Under the provisions of the Farming Zone, a permit is required for a dwelling to be sited within 100 metres of another dwelling not in the same ownership. The proposed level of separation well exceeds this setback.</p> <p>It is not considered that the application could be recommended for refusal on the basis of loss of privacy.</p>
<p>May result in precedent for further dwellings and subdivision of Farming Zoned land.</p>	<p>Approval of a dwelling on the land would not set a precedent for further dwellings in the Farming Zone. Any application for a dwelling in the Farming Zone is required to be considered on its merits against the objectives and decision guidelines of the Zone and the relevant State and Local Planning Policies.</p>

	<p>Approval of a dwelling on the land would have no impact on the subdivision potential of land in the Farming Zone. Subdivision is controlled through the provisions of the Farming Zone, which identifies requirements relating to minimum lot sizes for subdivision. Any application for subdivision is required to be considered on its merits against the objectives and decision guidelines of the Zone and the relevant State and Local Planning Policies.</p> <p>It is not considered that the application could be recommended for refusal on the basis of potential precedent.</p>
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Title Details

The land is identified as Lot 2 on Plan of Subdivision 212305L. The title does not contain a Restrictive Covenant or Section 173 Agreement.

There are no easements or other restrictions identified on the Title Plan to the land.

Consultation

An onsite meeting was undertaken with the proponent for the application and Council officer's in which proponent explained the reasons behind where a dwelling was required on the land.

Council officer's informed at the conclusion of this meeting that they would discuss whether there was any requirement that could be placed on the applicant to make proposal more acceptable however at this stage it was unlikely to be supported.

A Council officer informed at a later date on the phone that the application would not be supported as officers were unable to make it stake up in terms of acceptability against the relevant guidelines.

Referrals to Authorities

External Referrals Required by the Planning Scheme:

1. Section 55 - Referrals Authority	2. List Planning clause triggering referral	3. Determining or Recommending	4. Advice/Response/Conditions
Goulburn-Broken Catchment Management Authority	44.04-5	Recommending	The GBCMA advised in their referral response of 6 November 2017 that they do not object to the application, subject to the following condition: 5. <i>The finished floor level of the proposed dwelling must be constructed at least 300</i>

			<i>millimetres above the 100-year ARI flood level of 107.2 metres AHD, i.e. 107.5 metres AHD, or higher level deemed necessary by the responsible authority.</i>
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Notice to Authorities

External Notice to Authorities:

6. Section 52 - Notice Authority	7. Advice/Response/Conditions
Goulburn-Murray Water	<p>Goulburn-Murray Water provided no objection to the application subject to the following conditions:</p> <ol style="list-style-type: none"> 1. <i>All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).</i> 2. <i>All wastewater from the dwelling must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval to the satisfaction of Council's Environmental Health Department.</i> 3. <i>The wastewater disposal area must be located in accordance with Table 5 of the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016, from any waterways (including GMW open channels), drainage lines, dams or bores.</i> 4. <i>No buildings or works may be erected or carried out within 30 metres of any Goulburn Murray Water surface infrastructure (including open irrigation channels and drains).</i>

Internal Notice:

8. Internal Council Notices	9. Advice/Response/Conditions
EHO	<p>Council's Environmental Health department had no objections to the application subject to the following conditions:</p> <p><i>Prior to the commencement of works for the proposed dwelling the owner shall lodge with the Council an application to Install a Septic Tank System in accordance with the Code of Practice – Onsite Wastewater Management, Publication 891.3, February 2013.</i></p> <p><i>The application to Install a Septic Tank System shall include:</i></p> <ol style="list-style-type: none"> 1) <i>The application form provided by the Council completed, signed and dated by the owner.</i> 2) <i>A floor plan of the proposed dwelling.</i> 3) <i>A site plan indicating the location of the effluent disposal area / reserve area.</i> 4) <i>The design of the effluent disposal system including instructions for installation and working drawings.</i> 5) <i>The current application fee.</i>

The zoning of the land

Farming Zone – Schedule 1.

The use of land for a dwelling is a Section 1 Use in the Farming Zone in Clause 35.07-1 where the following conditions are met:

- *Must be the only dwelling on the lot.*
- *The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.*
- *Must meet the requirements of Clause 35.07-2.*

The land is vacant so the dwelling would be the only dwelling on the lot.

With respect to the second point, the land has an area of 26.24 ha. Schedule 1 applies to the land (FZ1). This schedule identifies that the minimum area for which no permit is required to use land for a dwelling in this area is 60 hectares. As the land does not meet this minimum lot size requirement, the use of land for a dwelling is a Section 2 (Permit required) use in this instance.

Clause 35.07-4 identifies that planning approval is required to construct a building or construct or carry out works associated with a Section 2 Use (dwelling).

The requirements of Clause 35.07-2 are addressed later in this report.

The purposes of the Farming Zone are identified as:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Key considerations for this application include whether the dwelling would result in the loss of productive agricultural land, and whether the dwelling would impact on existing or future agricultural uses.

Use of land for a dwelling

Clause 35.07-2 identify servicing requirements for dwellings with respect to all-weather access, on-site effluent disposal, water and electricity supply. The application and relevant referral responses have identified that the site is able to be appropriately serviced to support a dwelling.

Application requirements

Clause 35.07-5 identifies that an application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

The applicant has provided a response to the decision guidelines.

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines on Clause 65, the responsible authority must consider the decision guidelines at Clause 35.07-6 of the Scheme.

General issues

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.* See later discussion.
- *Any Regional Catchment Strategy and associated plan applying to the land.* The proposal is consistent with the relevant Regional Catchment Strategy and it is noted that the CMA has no objection to the proposal.
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.* The application identifies that the site is capable of sustaining a dwelling. Council's Environmental Health Unit has confirmed that they have no objection to an application on the basis of wastewater management, subject to standard conditions with respect to further approvals for the installation of a wastewater management system.
- *How the use or development relates to sustainable land management.* The land is able to sustain a dwelling. The land is currently used for agriculture, without a dwelling present on the site. The application has not clearly demonstrated how a dwelling on the land is required to support the sustainable agricultural use of the site.
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.* The land is currently used for agriculture. A dwelling on the land increases the risk of a potential land use conflict with adjoining and nearby farm operators.
- *How the use and development makes use of existing infrastructure and services.* Limited new infrastructure is required for the ongoing agricultural use of the land. Relevant services are available for a new dwelling.

Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production.* The land is currently being used for agriculture. The application acknowledges that there will not be any discernible change to the way the land is used. It is considered that a dwelling on the land is not required for the use or enhancement of the land for agricultural production, given that it is already being used for agricultural purposes. Whilst the application contains some commentary regarding how a dwelling would enhance the productivity and efficiency of the site, it is noted that this is directly in conflict with the *Regional Rural Land Use Strategy* that identifies that the practice of Calf raising to justify a dwelling is common, however such use is often not maintained resulting in rural lifestyle properties (refer to pages 15-16 of this report).
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.* The site has good quality soils and access to rural infrastructure.
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.* An additional dwelling on a small lot in the Farming Zone has the potential to limit the operation and expansion of existing rural sites.
- *The capacity of the site to sustain the agricultural use.* The land has a history of agricultural use, and is currently being used for agriculture. The site is located in an

area characterised by and zoned for rural activities. The land is capable of continuing to sustain rural activities.

- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.* The site is located within a strategically important agricultural area and is provided with rural infrastructure.
- *Any integrated land management plan prepared for the site.* No integrated land management plan has been prepared for the site.

Dwelling issues

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.* There is a risk that the dwelling will result in the loss or fragmentation of the land. Limited investment is required to continue the agricultural use of the site, which may result in a rural lifestyle use of the property.
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.* The proposed dwelling may be impacted by nearby agricultural activities, especially the nearest dwelling located to the south of the site.
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.* The use of land for a dwelling may impact future potential agricultural uses on adjoining and nearby sites.
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.* The proposal will result in an additional dwelling within an area identified as being of strategic agricultural importance.

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.* The dwelling location is predominantly flat, cleared land. Effluent disposal fields are able to be appropriately sited to meet Council's Environmental Health requirements.
- *The impact of the use or development on the flora and fauna on the site and its surrounds.* No native flora or fauna would be affected as the site is cleared and located in a productive agricultural area.
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.* No native vegetation would be affected by the proposal.
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.* Effluent disposal fields are able to be appropriately sited to meet Council's Environmental Health requirements.

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*

The proposed dwelling and other buildings are proposed to be sited in the southern portion of the site.

- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.* The site is located in a predominantly flat, agricultural area. There are no significant views or features that would be affected by a dwelling.
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.* There are no identified features that would be impacted by a dwelling. A dwelling would be consistent with the rural character of the area.
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.* The dwelling would be able to be suitably serviced. Infrastructure would be typical of rural dwellings in the locality.
- *Whether the use and development will require traffic management measures.* No traffic management measures would be required to support a single dwelling on the site.

When considering the proposal against the decision guidelines of the Farming Zone, the key considerations are whether the dwelling:

- will genuinely support or enhance the agricultural productivity of the site,
- is required for the sustainable management of the site,
- has the potential to limit the operation or expansion of adjoining / nearby agricultural uses; and
- will result in the loss or fragmentation of productive agricultural land.

It is considered that these matters have not been adequately addressed in the application to justify support of the proposal.

Relevant overlay provisions

Land Subject to Inundation Overlay.

A permit is required to construct a building or construct or carry out works in the Land Subject to Inundation Overlay.

The purposes of the Overlay are identified as:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit is required under Clause 44.04-1 to construct a building or construct or carry out works, including a dwelling.

Under Clause 44.04-5, an application must be referred to the Floodplain Management Authority (see discussion on referrals).

Decision guidelines are at 44.04-6. The proposal is consistent with the objectives and decision guidelines of the Overlay as buildings have been sited outside the part of the land affected by the Flood Overlay (i.e. the part of the site with a lesser flood risk) and the Catchment Management Authority has consented to the proposal.

Flood Overlay.

The Overlay applies to the western portion of the site only.

As no new buildings and works are proposed within the area affected by the Flood Overlay, no permit is required under this control.

The State Planning Policy Framework (SPPF)

11.12-1 A Diversified Economy

The objective is to *develop a more diverse regional economy while managing and enhancing key regional economic assets.*

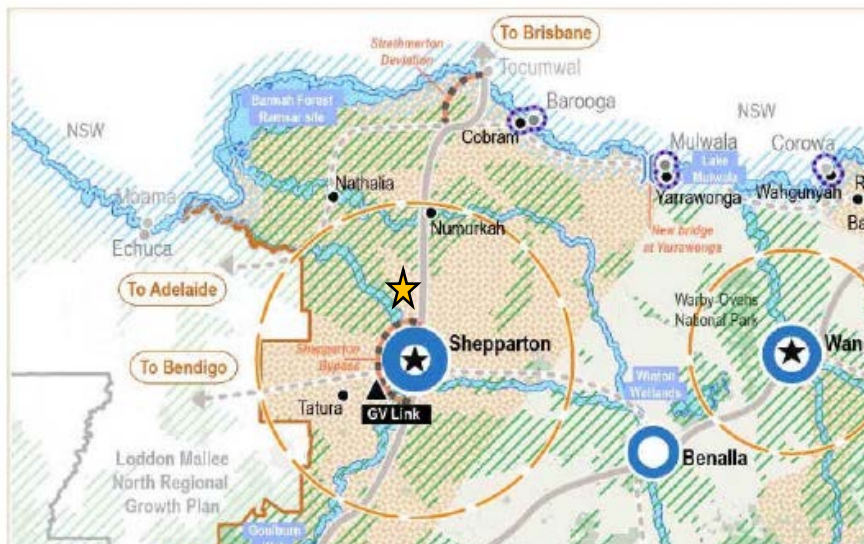
The relevant strategies are:

- *Plan for a more diverse and sustainable regional economy by supporting existing economic activity and encouraging appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.*
- *Avoid encroachment from rural residential settlement and other land uses that are non-complementary to agriculture in areas identified as strategic agricultural land and direct proposals for settlement to existing centres and townships.*
- *Support agricultural production through the protection and enhancement of infrastructure and strategic resources such as water and agricultural land including areas of strategic agricultural land.*

The Hume Regional Growth Plan identifies the land as within a locality of Strategic Agricultural Importance (shown with a star below, land shaded orange is of Strategic Agricultural Importance).

11.12-5 Hume Regional Growth Plan

31/03/2017
VC134



14.01-1 Protection of agricultural land

Objective

To protect productive farmland which is of strategic significance in the local or regional context.

Strategies

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Assessment of the land capability.*

The application states that the proposed dwelling is required to protect an agricultural resource which has local and potentially regional importance. The proposed dwelling would be required for the land holder / farm manager of the calf rearing operation and hay production as part of the continued commercially productive use of the land.

The application has not adequately demonstrated *why* the dwelling is required given that the land is currently used for agriculture without a dwelling on the site, and has not appropriately considered the impact of an additional dwelling in an area identified as being of strategic importance for agriculture.

14.01-2 Sustainable agricultural land use

Objective

To encourage sustainable agricultural land use.

Strategies include to:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long term sustainable use and management of existing natural resources.*
- *Encourage sustainable agricultural and associated rural land use and support and assist innovative approaches to sustainable practices.*
- *Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibility to market changes.*

The application states that the proposal is required to justify and create certainty for the future farm operation, by preventing stock loss and assisting with irrigation requirements for pastures and crop.

The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

21.06-1 Agriculture

Irrigated primary production and the processing of that product underpin the municipality and the Region's economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production.

It is increasingly evident that prospective agricultural investment is jeopardized, deterred, or completely lost by land uses and developments that have the potential to compromise the scale and location of such investment. In particular, agricultural investment is far less likely where land is already fragmented in ownership with housing dispersed throughout.

A Regional Rural Land Use Strategy 2008 (RRLUS) has been adopted by Moira Shire Council, the City of Greater Shepparton and the Shire of Campaspe. This strategy identifies new categories of farming areas in the municipalities and recommends different subdivision and minimum lot size provisions for dwellings for each category.

Objectives - Agriculture

- *To ensure that agriculture is and remains the major economic driver in the region.*
- *To facilitate growth of existing farm businesses.*
- *To facilitate growth of new agricultural investment.*
- *To provide for small scale, specialized agriculture.*

Strategies – Agriculture

The relevant strategies for agriculture are:

- *Identify 'growth', 'consolidation' and 'niche' areas in the Farming Zone.*
- *Encourage growth and expansion of existing farm businesses and new investment in 'growth' and 'consolidation' areas.*
- *Encourage opportunities for smaller scale, specialized agriculture in 'niche' areas.*
- *Discourage land uses and development in the Farming Zone, Schedule 1 that would compromise the future agricultural use of the land, including farm related tourism.*
- *Encourage tourism in the Farming Zone, Schedule 2 that is carefully managed to prevent conflict and impact on agricultural operations.*
- *Encourage value adding and new enterprises for agricultural production.*
- *Encourage the preparation of Whole Farm Plans for on farm earthworks.*
- *Discourage non-agricultural uses on rural land other than rural based industry.*
- *Discourage non-agricultural development in rural areas except where development is dependent on a rural location, and cannot be accommodated within existing industrial or business zoned land.*
- *Discourage non-agricultural development along major roads in rural areas especially at the fringe of existing urban areas when it may contribute to ribbon development.*
- *Buildings for non-agricultural purposes in rural areas should be set back a minimum of 100 metres from any road, be constructed in muted coloured 'colorbond' materials or similar and screened from any road by dense tree and shrub planting.*

The Regional Rural Land Use Strategy (RRLUS) is a Reference Document in the Planning Scheme and applies to the proposal. The Strategy states on page 45 "The rural areas of the Greater City are considered to be productive agricultural land based on the soil types, subdivision pattern and climate and the significant level of irrigation infrastructure.

Protection and retention of this land for agriculture is of primary strategic importance to the Greater City and it is recommended that it should be included in the Farming Zone”.

With respect to Rural dwellings, the Strategy at page 79 states “*Many of the proposals received by Council include a justification that the land use is agricultural and that the dwelling is required to support that use. Calf raising is a commonly used proposed use. Based on experience, Council staff are aware that although the land use proposal may be legitimate in the short term, it often is not maintained. In many cases, it may be unlikely that there is any intention to establish the use. Council staff understand that the prevailing land use trend for key agricultural industries is one of expansion and consolidation and genuine new farm housing is rarely required or applied for, especially on smaller lots.*”

The Strategy goes on to state “*Inappropriate rural housing displaces agricultural activities and can hinder ongoing operation through amenity complaints. The Councils have advised of complaints being received about sprays, dust, odour and noise, and farmers, during the consultation, advised of issues with dogs and weeds from neighbouring rural living properties. Those seeking to expand within or into the region with new agricultural investment have advised of the need to have minimal neighbours. Unplanned rural housing also imposes a burden on Council in terms of infrastructure and service provision such as roads and waste management’.*

It is considered that the proposed dwelling is inconsistent with the objectives for Agriculture and does not appropriately address the considerations for Rural dwellings in the Regional Rural Land use Strategy.

21.06-3 Dwellings in Rural Areas

While it is acknowledged that a dwelling will often be needed to properly farm land, these must be limited to those that genuinely relate to agricultural production. The number of dwellings that a farm can economically sustain relates to its rural land capability, the labour needs of the farming practice, the intensity of the farm activity and the volume of rural output. Development of dwellings at a density greater than is required for the rural use of land can give rise to conflicts with legitimate farming practices. Isolated dwellings in the rural areas have the potential to disrupt agricultural activities and should not impinge on the appropriate use of farming land.

The RRLUS identified new categories of Farming Zone and has included objectives and policies for each with respect to rural dwellings.

Objectives - Dwellings in Rural Areas

- *To discourage new dwellings unless it can be demonstrated that it is required for the agricultural use of the land.*
- *To ensure that new dwellings support rural activities and production and are not to meet lifestyle objectives, which may conflict with the rural use of the land.*
- *To avoid potential amenity impacts between rural activities and dwellings in rural areas.*

It is considered that the proposal has not adequately addressed how the first two objectives of Clause 21.06-3 have or can be appropriately addressed.

Strategies - Dwellings in Rural Areas

- *Discourage the establishment of dwellings not associated with or required for the agricultural use of the land.*
- *Discourage dwellings on old and inappropriate lots where amenity may be negatively impacted by farming activities, or where dwellings may inhibit rural activities.*
- *Discourage dwellings which are proposed to meet personal or financial circumstances or to create dwellings for 'rural lifestyle' purposes.*
- *Discourage the clustering of new dwellings unless they do not limit the productive use and development of surrounding land.*

The land is currently used for agriculture. A dwelling is not required for the continuation of this use.

Policy Guidelines - Dwellings in Rural Areas

Criteria

An application for a dwelling in the Farming Zone, Schedule 1 (FZ1) and Farming Zone, Schedule 2 (FZ2) should meet the following criteria:

- *The dwelling is required for the operation of the rural use of the land. The land has historically been used for grazing and cropping, without a dwelling having been on the site.*
- *The agricultural use is established on the land prior to the construction of a dwelling (or an Integrated Land Management Plan under Clause 35.07-6 in place). There is no Integrated Land Management Plan in place for the site. The site has historically been used for cropping and grazing. Owing to the nature of the proposed agricultural activities, there are limited works that would be required to support the ongoing agricultural use of the site. The total development cost (dwelling and agriculture) is identified as \$371,000. Of this, only the calf shed and fencing are dedicated works that would be for agriculture, with other costs (power and water) being shared between the dwelling and agricultural uses.*
- *The dwelling is located on a lot of at least 2ha in area. The lot has an area of greater than 2 hectares.*
- *The dwelling is located on a lot created after 1st January 1960. The Title Plan submitted with the application identifies that the parent title was subdivided and the land created on 26 July 1988.*

When considered against the Criteria for dwellings in Rural Areas the proposal does not adequately demonstrate that the dwelling is required for the agricultural use of the land, or that the agricultural use will be established on the land prior to a dwelling in a manner that provides Council with an appropriate level of certainty that the agricultural pursuit is genuine and the proposed dwelling will not become a dwelling for "rural lifestyle" purposes.

Decision guidelines

When deciding an application for a dwelling, and in addition to the decision guidelines in the zone, the responsible authority will consider the following matters:

- *The relationship between the proposed dwelling and the agricultural activity on the land.*
- *Evidence including an Integrated Land Management Plan under Clause 35.07-6 (or similar) addressing the relationship between agricultural activities on the land and the proposed dwelling.*
- *The agricultural productive capacity or the agricultural potential of the land.*
- *The nature of the existing agricultural infrastructure and activity on the land and any new proposed agricultural infrastructure and activity at the land.*
- *The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.*

- *The proposed siting of the dwelling and whether it minimises impacts on existing and potential agricultural operations on nearby land.*
- *The lot size, context and physical characteristics of the land.*
- *Whether the dwelling will result in a rural living or rural residential outcome in the area.*
- *The planning history of the land.*
- *The potential for land to be consolidated with other land to enhance agricultural productivity.*
- *Whether the planning scheme identifies a 'non-agricultural' future for the land and the implications of development on future development options.*

The relationship between the existing land use (agriculture) and new use (dwelling) is a key consideration for Council. Whether there is a genuine, ongoing need for a dwelling on the land, coupled with the limited level of new infrastructure required to support the agricultural use of the site results in potential for the proposal to result in a rural lifestyle dwelling.

Relevant Particular Provisions

Not applicable as no Particular provisions apply to the proposed development.

The decision guidelines of Clause 65

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

As identified in this report, the proposal is inconsistent with the relevant Local Planning Policies and the purposes and Decision Guidelines of the Farming Zone,

Relevant incorporated or reference documents

The *Regional Rural Land Use Strategy 2008* applies to the proposal and has been considered as part of the assessment of the application (see discussion in relation to the Local Planning Policy Framework).

Other relevant adopted State policies or strategies policies

There are no relevant adopted State or strategic policies that relate to this application for a planning permit.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme Amendments that relate to this application for a planning permit.

Are there any significant social & economic effects?

There are no relevant significant social or economic effects that relate to this application for a planning permit.

▪ Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts that relate to this application for a planning permit.

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.



The development of land for a single dwelling is also an exempt activity under the legislation.

Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

Conclusion

It is considered that:

- As the use of land for agriculture is established, the dwelling is not reasonably required to support such use.
 - The application presents an unreasonable risk with respect to the potential loss of productive agricultural land and may result in a rural lifestyle dwelling.
 - The proposed dwelling has the potential to impact on existing or future agricultural uses.
-

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO:	2017-283
PLANNING SCHEME:	GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY:	GREATER SHEPPARTON CITY COUNCIL
ADDRESS OF THE LAND:	117 Zeerust School Road ZEERUST VIC 3634
WHAT HAS BEEN REFUSED:	Use and development of the land for a dwelling in the Farming Zone Schedule 1 and buildings and works in the Land Subject to Inundation Overlay

WHAT ARE THE REASONS FOR THE REFUSAL?

- 1) The proposed dwelling is inconsistent with the objectives of Clause 21.06-1 of the Greater Shepparton Planning Scheme as:
 - a) The dwelling is not reasonably required to facilitate the growth of the existing farm business.
 - b) The proposed dwelling has not been adequately justified with respect to the considerations for dwellings detailed in the Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy.
- 2) The proposed dwelling is inconsistent with the objectives of Clause 21.06-3 of the Greater Shepparton Planning Scheme as:
 - a) New dwellings are to be discouraged unless it can be demonstrated that it is required for the agricultural use of the land.
 - b) New dwellings are to support rural activities and production and are not to meet lifestyle objectives.
 - c) The dwelling has potential to result in amenity conflict between existing rural enterprises.
- 3) The proposed dwelling does not meet the Criteria for new dwellings under Clause 21.06-3 as the dwelling is not required for the operation of the rural use of the land.
- 4) The proposal is inconsistent with the objectives of the Farming Zone as it has not been adequately demonstrated why a dwelling is required on the land to support the existing agricultural activities.
- 5) The proposal does not satisfy the relevant decision guidelines of the Farming Zone as the dwelling is not required to support agricultural use of the site, and a dwelling in

the area has the potential to result in the loss or fragmentation of productive agricultural land and result in land use conflict.

Application Details:

Responsible Officer:	Tim Watson (report prepared by Alex Winfield)
Application Number:	2017-365
Applicants Name:	GV Advanced Advertising and J Al Ramahi
Date Application Received:	23 November 2017
Statutory Days:	71 days (as at 1 st February 2018)
Land/Address:	3/228-234 High Street SHEPPARTON VIC 3630
Zoning and Overlays:	Activity Centre Zone, Schedule 1 – <i>Shepparton Central Business District</i> Parking Overlay, Schedule 1 – <i>Shepparton Central Business District</i> Abuts a Road Zone Category 1
Why is a permit required (include Permit Triggers):	52.05-7 - the erection and display of an Electronic promotion sign (sky sign).
Are there any Restrictive Covenants on the title?	Lot 2 of Plan of Subdivision 621196R. There are no covenants or other restrictions registered on the Title to the land. There are no easements or other restrictions identified on the Title Plan.

Proposal

The application proposes the erection of an Electronic Promotion sign / Sky sign on the land.

A Promotion sign is defined as “*A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.*”

An Electronic sign is defined as “*A sign that can be updated electronically. It includes screens broadcasting still or moving images.*”

The sign is single sided, with a height of 2 metres and a width of 3 metres, total advertising area of 6 square metres.

The sign is an electronic screen, used to advertise both the business that operates from the site (GV Advanced Advertising) and other businesses.

The sign was originally proposed (at pre—application stage) to be erected on the front façade of the building, above the building entrance (satisfying the definition of Electronic sign and Promotion sign).

However the application itself shows the sign in a different location, and prior to a planning application being determined the sign was erected on the roof of the building and not sited parallel or perpendicular to the road alignment, but angled to present generally north west across the High Street / North Street intersection and along High Street to the west.

As proposed / constructed, the sign would meet the definition of a Sky sign, which is “*A sign a) on or above the roof of a building, but not a verandah, b) fixed to the wall of a building and which projects above the wall; or c) fixed to a structure (not a building) so that part of it is more than 7 metres above the ground.*”



Summary of Key Issues

The application proposes the erection and display of an electronic promotional sign / sky sign.

The site is developed with an existing shop constructed to the front street boundary and occupying the width of the site. The shop presents to High Street and has a cantilevered verandah extending over the footpath. The site falls within a strip of commercial sites falling within the Activity Centre Zone. High Street is Category 1 Road (VicRoads managed road).

Electronic promotion signage and a Sky sign requires planning approval under the provisions of Clause 52.05 – Advertising signage.

The key considerations for this application are whether the form, scale, siting and purpose of the advertising sign are appropriate for the site and its context having regard to the pattern and character of established development and signage within the precinct and the objectives of the Activity Centre Zone 1.

Recommendation

Refusal

That the Council having not caused notice of Planning Application No. **2017-365** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of 21.04-1, 52.05 and 65 of the Greater Shepparton Planning Scheme in respect of the land known and described as **3/228-234 High Street SHEPPARTON VIC 3630**, for the **erection and display of an electronic promotional sky sign**.

For the following reasons:

- The proposed signage is inconsistent with the objectives of Clause 21.04-4 of the Greater Shepparton Planning Scheme as:
 - a) The siting of the sign on the roof would constitute a Sky sign which is expressly discouraged in all areas of the CBD.
 - b) The siting of the sign is inconsistent with the preferred siting for advertising signs on (and integrated into) buildings, and will disrupt the visual amenity of the area through its inappropriate siting on the roof of the building and orientation towards the intersection rather than directly to (parallel with) the street.
 - c) The proposed sign would promote other businesses or activities not undertaken on the land.
- The proposed signage is inconsistent with the objectives of the Design and Development clause of Schedule 1 to the Activity Centre Zone as
 - a) The sign is not integrated into the building design.
 - b) The location and form of the sign is not consistent with the character of the area.
- The proposed signage results in an unacceptable outcome with respect to the decision guidelines of Clause 52.05 of the Scheme as:
 - a) The siting of the sign on the roof of the building results in a sign that does not integrate with the building or its façade and has the potential to dominate the skyline.
 - b) The provision of a sign above the roof line of a building is inconsistent with the character / theme of advertising signage within the precinct that typically comprises of Business identification signage, generally sited on buildings / verandahs either perpendicular or parallel to the street.

VICROADS GROUNDS

- According to Clause 52.05-3 of the Planning Scheme, the proposed sign compromises the operational efficiency of the road and poses an unacceptable road safety risk because it:
 - Obstructs a driver's line of sight at an intersection and left hand turning lane.
 - Obstructs a driver's view of a traffic control device, or is likely to create a confusing background which might reduce the clarity or effectiveness of the nearby traffic control device.
 - Could dazzle or distract drivers due to it being illuminated, reflective, animated or flashing.
 - Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- VicRoads does not support the installation of a "digital sign" or animated sign within the arterial road reserve and considered such signs should not be located so close to traffic signals, left hand turns or pedestrian crossings.
- The proposed digital sign does not comply with the VicRoads "Advertising Policy for Advertising on, over and adjacent to VicRoads Declared Road" since it does not meet the "VicRoads Ten Point Road Safety Checklist".

- The proposed digital sign does not comply with the Road Management Act 2004 and the Road Management (General) Regulations 2016 to control the placement of any structure, device or hoarding for the exhibition of an advertisement, or placement of any advertisement for exhibition over an arterial road.

Moved by Emma Kubeil

Seconded by Nilesh Singh

That the Council having not caused notice of Planning Application No. **2017-365** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of 21.04-1, 52.05 and 65 of the Greater Shepparton Planning Scheme in respect of the land known and described as **3/228-234 High Street SHEPPARTON VIC 3630**, for the **erection and display of an electronic promotional sky sign**.

CARRIED

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

Date: 22 January 2018

Time: 9.45 am

The site is known as 3/228 High Street, Shepparton and has a total area of approximately 185 square metres in two parts, with the main part having an area of approximately 160 square metres and a second part surrounded by common property access at the rear.

The larger part contains an existing building (shop) and the smaller part contains car parking spaces, serviced by access from common property.

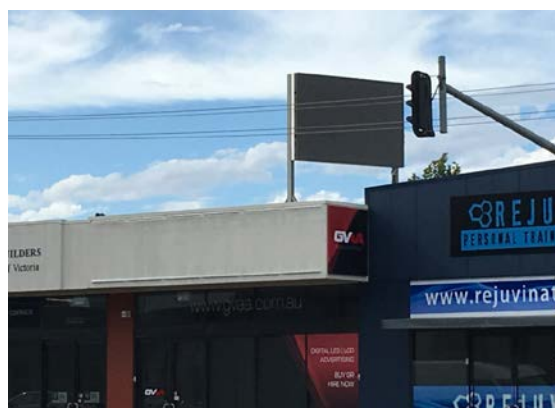
The shop building is developed to the High Street property boundary. The building is single storey and has a cantilevered verandah extending over part of the footpath in the High Street road reserve.

The building is constructed to both side property boundaries, with side walls common to the adjoining shop to the west (4/228 High Street) and east (2/228 High Street).

The main locality characteristics are:

- The site is located in an area broadly zoned Activity Centre 1, and most properties in the vicinity of the site are accordingly commercially used and developed.
- 1-228 to 4-228 High Street occupy the width of the block presenting to High Street bound by North Street to the west and Hoskin Street to the east.
- All four properties are developed with single storey shops / offices sited at the High Street boundary and occupying the width of the lots.
- All four of these properties have common property access at the rear from North and Hoskin Streets and designated car parking spaces associated with each lot.
- The High Street / North Street intersection is within 10 metres to the west of the site. This intersection is controlled by traffic lights.
- Opposite the site to the north at 233-251 High Street is the Goulburn Valley Hotel. The hotel is a two storey building (which single storey elements) individually heritage listed under the provisions of the Greater Shepparton Planning Scheme (HO81).
- At the south west corner of the intersection of High and North Streets is the Terminus Hotel. The Terminus is located at 212 High Street, Shepparton and is also afforded Heritage protection under the provisions of the Planning Scheme with an individual heritage listing (HO80). The Hotel building has a two storey element focussed along the High Street frontage.

The Photos below show the existing site:



Permit/Site History

The history of the site includes:

2006-429 – The construction of four shops, business identification signage exceeding eight square metres, the alteration of vehicle access to a road in a Road Zone Category 1 (High Street) and a reduction in car parking requirements

2008-203 – Four lot subdivision to a Road Zone Category 1

Further Information

Was further information requested for this application?

No.

The applicant was advised via email on 7 December 2017 that Council's Planning Department would not support the application in the form proposed (above the roof of the building).

The applicant was provided with three options to progress this application:

- a) Inform Council to continue processing the application, in which case it would be recommended for refusal to Council's Development Hearings panel.
- b) Make application to amend the application for a sign which Council had previously agreed to in pre-application discussions; or
- c) Withdraw the application.

The permit applicant advised Council's Planning Department in writing via email on 7 December 2017 to continue to process the application in its current form.

Public Notification

The application was exempt from being advertised in accordance with 9.0 of Schedule 1 to the Activity Centre Zone 1 of the Planning Scheme that states "*An application under Clause 52.05 for advertising signs is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.*"

Objections

Not applicable as the application was exempt from notice and review.

Title Details

The land is known as 3/228 High Street, Shepparton.

The Title description is Lot 2 PS621196.

There are no covenants or other restrictions registered on the Title to the land. There are no easements or other restrictions identified on the Title Plan.

Consultation

Relevant aspects of consultation included:

- Pre-application advice was provided by Tim Watson to the permit applicant on 17 July 2017.
- Pre-application advice indicated that a sign attached to the façade of the building / verandah *may* be supported.

- The application submitted / sign erected is not consistent with the form and location of the sign discussed at the pre-application stage.
- As the sign was erected prior to the application being determined, Council's solicitors wrote to the permit application on 21 December 2017 advising them that:
 - The sign must not be operated, pending the granting of a planning permit, if one is to be granted; and
 - If a Planning Permit is not granted, the sign will need to be removed immediately, at your expense.
- The applicant was also advised that a Planning Infringement Notice will be issued by Council, as the installation of the sign without a Planning Permit is a breach of the Greater Shepparton Planning Scheme. The PIN has been issued.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 -Referrals Authority	List Planning clause triggering referral	Determining or Recommend ing	Advice/Response/Conditions
VicRoads	52.05-1	Determining	<p><i>"An application to display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004 must be referred in accordance with Section 55 of the Planning and Environment Act 1987 to the referral authority specified in Clause 66.03 or a schedule to that clause."</i></p> <p>The application was referred to VicRoads on 8 December 2017. A response date 1 February 2018 was received advising Council that VicRoads objects to the issue of a Planning Permit because:</p> <ol style="list-style-type: none"> 1. According to Clause 52.05-3 of the Planning Scheme, the proposed sign compromises the operational efficiency of the road and poses an unacceptable road safety risk because it: <ul style="list-style-type: none"> • Obstructs a driver's line of sight at an intersection and left hand turning lane. • Obstructs a driver's view of a traffic control device, or is likely to create a confusing background which might reduce the clarity or effectiveness of the nearby traffic control device. • Could dazzle or distract drivers due to it being illuminated, reflective, animated or flashing. • Is at a location where particular concentration is required, such as a high pedestrian volume intersection. 2. VicRoads does not support the installation of a "digital sign" or animated sign within the arterial road reserve and considered such signs should not be located so close to traffic signals, left hand turns or pedestrian crossings. 3. The proposed digital sign does not comply with the VicRoads "Advertising Policy for Advertising on, over and adjacent to VicRoads Declared Road" since it does not meet the "VicRoads Ten Point Road Safety Checklist". 4. The proposed digital sign does not comply with the Road Management Act 2004 and the Road Management (General) Regulations 2016 to control the placement of any structure, device or hoarding for the exhibition of an advertisement, or placement of any advertisement for exhibition over an arterial road.

Section 52 -Referrals Authority	List Planning clause triggering referral	Determining or Recommend ing	Advice/Response/Conditions
Nil	N/A	N/A	N/A

Internal Council Notices	Advice/Response/Conditions
Nil	N/A

Assessment

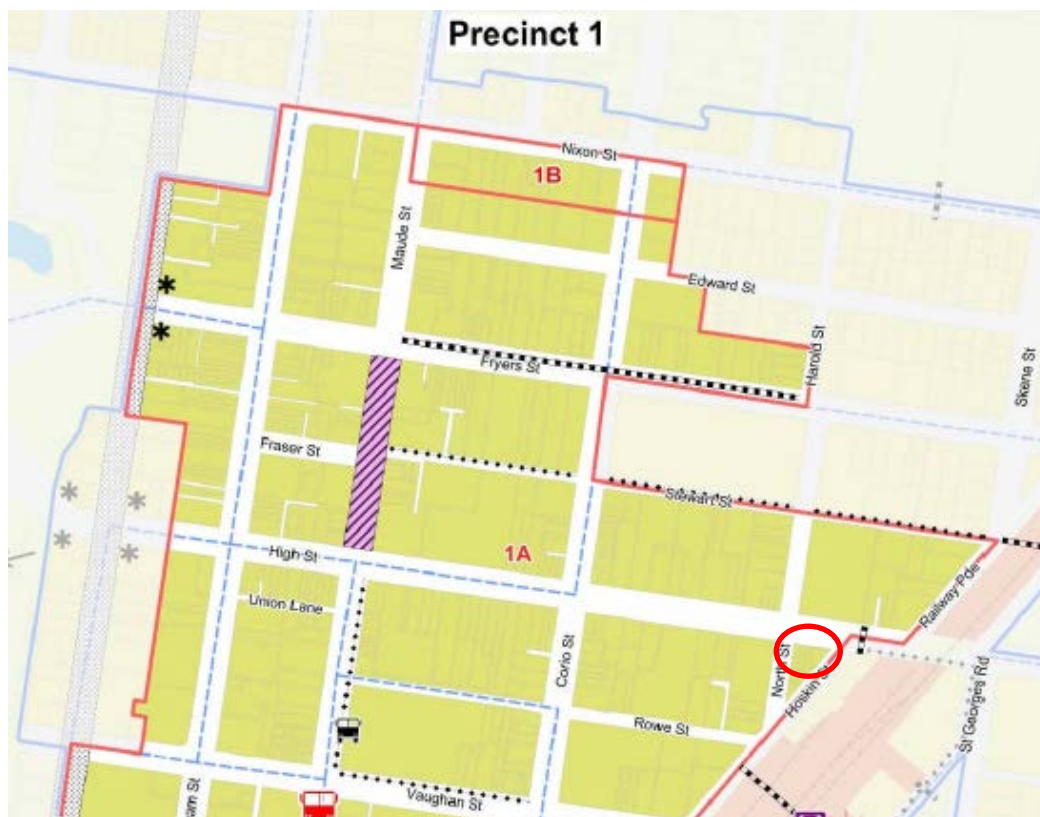
The zoning of the land

The land falls within the **Activity Centre Zone, Schedule 1 (Shepparton Central Business District Area)**.

Signage in the ACZ falls within Category 1 of the advertising requirements at Clause 52.05 of the Scheme, unless a Schedule to the Zone specifies a different Category.

Schedule 1 to the Overlay identifies that all land within Precincts 1, 7 and Sub-precincts 3B and 8A is in Category 1 of Clause 52.01, and all other land is in Category 3.

The land is located in Precinct 1 as illustrated on the map below, and therefore signage for this proposal falls within Category 1.



Clause 4.4 – Design and Development identifies that for the whole of the CBD, “*Advertising signs should be integrated into building design and landscaping that contributes to a consistent and coordinated suite of signage for the CBD that is designed to serve a range of purposes, such as way finding, marking historical locations or announcing entry points.*”

The proposed / constructed signage is inconsistent with this clause as it sits above the roof and is not integrated into the building. The location of the sign above the roof and its orientation results in the sign being sited inconsistently with the CBD objectives.

The Provisions for Precinct 1 do not provide any further guidance for the consideration of advertising signage.

Relevant overlay provisions

The land falls within the **Parking Overlay – Schedule 1 (Shepparton Central Business District)**.

The Parking Overlay and Schedule does not require planning approval for advertising signage and does not identify any other requirements for advertising signage.

The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

Clause 21.04-4 – Urban Design identifies with respect to signage that inappropriate design and placement of advertising signs can have a significant effect on the appearance and visual amenity of an area. Council wants to guide the location and display of signage within the municipality to ensure signage is compatible with the character and architecture of local streetscapes. The design, form, size and placement of advertising signs should be controlled so as to protect and enhance the appearance of rural and urban areas and to avoid signs that are excessive, confusing or incompatible with the character of the surrounding area.

The relevant Objective for Urban Design is to “*control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment the built form in the municipality*”.

The relevant strategies for Urban Design are to:

- *Ensure that the location, form and size of signs complement the dominant character of any urban or rural landscape, building, site or area on which they are erected.*
- *Control the location, size and scale of advertising signage, especially in key precincts of the Shepparton CBD and town centres.*

When considering an application for an advertising sign, Council will be guided by the following principles:

- *Fewer signs displaying a simple clear message are encouraged.*
- *Advertising signage is encouraged to be primarily for business identification providing basic identification information of the business.*
- *Suspended under-verandah signs should be limited to one per shopfront, except on large premises where the limit should be one per ten metres of shop front.*

- *Above-verandah signs should be attached to the upper facade or parapet, parallel/horizontal to the road with minimal projection.*
- *Sky signs, high wall signs, projecting off-wall signs on upper facades and signs that project above parapets, wall, verandahs, roof lines or building fascias are discouraged in all areas.*
- *Freestanding signs should be limited to one sign per premises with multiple occupancies encouraged to share sign space.*
- *'V' board signs are discouraged in all areas.*
- *Where a building is set back from the street, signs are encouraged to be located within the boundary and should be orientated to be parallel or at right angles to the street.*
- *Where possible signs should be located on the building.*
- *Pole signs should be limited to one per frontage and should be no higher than the surrounding buildings.*
- *Internally illuminated promotional signs are discouraged.*
- *Permanent bunting, streamers, banner, balloons, animated, reflective signs or similar devices, are strongly discouraged in all zones due to the detriment to the amenity of the area and the high level of visual clutter and dominance. These signs may be considered for temporary (3 month maximum) promotions only.*
- *Major Promotional signs are discouraged, but if approved are to be confined to Regional & Sub-regional Centres attached to a building wall and should not be more than 3 metres above the ground or be internally or externally illuminated.*

The proposed signage is considered to be inconsistent with the Urban Design objectives and Policy Guidelines for Advertising Signs at of Clause 21.04-4 because:

- Advertising signage should relate primarily to the site on which it is located. The proposed sign would promote other businesses or activities not undertaken on the land.
- The siting of the sign on the roof of the building constitutes a sky sign, which is expressly discouraged in all areas of the CBD.
- The siting of the sign is inconsistent with the preferred siting for advertising signs on (and integrated into) buildings, and will disrupt the visual amenity of the area through its inappropriate siting on the roof of the building and orientation towards the intersection rather than directly to (parallel with) the street.

Relevant Particular Provisions

Advertising Signs 52.05

The purpose of this provision is to:

- *Regulate the display of signs and associated structures;*
- *Provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*

- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

The proposed sign is defined as an Electronic Promotion sign / Sky sign. In Category 1 of Clause 52.05, this signage falls within Section 2 (Permit Required)

Application Requirements 52.05-2

An application to display an advertising sign must be accompanied by specified information, as appropriate, including:

- *A site context report.*
- *Dimensions, height above ground level and extent of projection of the proposed sign.*
- *The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.*

No site context report was submitted with the application.

Some details of the dimensions and height of the sign were provided.

A report prepared by Luxplot Design was submitted with the application providing a Lighting Impact Assessment on the sign. The report sought to demonstrate compliance with VicRoads Advertising Policy and AS4282-1997 Control of Obtrusive Effects of Outdoor Advertising.

The report identifies compliance with the VicRoads Advertising Policy when operated in accordance with the recommendations of the report.

As identified in the Referrals section of this report, VicRoads have however objected to the application, in part on the basis that the sign does not comply with VicRoads "Advertising Policy for Advertising on, over and adjacent to VicRoads Declared Road" as it does not meet the "VicRoads Ten Point Road Safety Checklist."

Decision Guidelines 52.05-3

Before deciding on an application to display a sign, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The character of the area including:

- *The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.*
- *The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.*
- *The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.*
- *The consistency with any identifiable outdoor advertising theme in the area.*

Impacts on views and vistas:

- *The potential to obscure or compromise important views from the public realm.*
- *The potential to dominate the skyline.*

- *The potential to impact on the quality of significant public views.*
- *The potential to impede views to existing signs.*

The relationship to the streetscape, setting or landscape:

- *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*
- *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
- *The ability to screen unsightly built or other elements.*
- *The ability to reduce the number of signs by rationalising or simplifying signs.*
- *The ability to include landscaping to reduce the visual impact of parts of the sign structure.*

The relationship to the site and building:

- *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
- *The extent to which the sign displays innovation relative to the host site and host building.*
- *The extent to which the sign requires the removal of vegetation or includes new landscaping.*

The impact of structures associated with the sign:

- *The extent to which associated structures integrate with the sign.*
- *The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.*

The impact of any illumination:

- *The impact of glare and illumination on the safety of pedestrians and vehicles.*
- *The impact of illumination on the amenity of nearby residents and the amenity of the area.*
- *The potential to control illumination temporally or in terms of intensity.*

The impact of any logo box associated with the sign:

- *The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign*
- *The suitability of the size of the logo box in relation to its identification purpose and size of the sign.*

The need for identification and the opportunities for adequate identification on the site or locality.

The impact on road safety. A sign is a hazard if the sign:

- *Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.*
- *Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.*
- *Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.*
- *Is at a location where particular concentration is required, such as a high pedestrian volume intersection.*

- *Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.*
- *Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.*
- *Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.*
- *Is within 100 metres of a rural railway crossing.*
- *Has insufficient clearance from vehicles on the carriageway.*
- *Could mislead drivers or be mistaken as an instruction to drivers.*

The proposal has been assessed against the relevant decision guidelines of this Clause and it is considered that:

- The siting of the sign on the roof of the building results in a sign that does not integrate with the building or its façade and has the potential to dominate the skyline.
- The provision of a sign above the roof line of a building is inconsistent with the character / theme of advertising signage within the precinct that typically comprises of Business identification signage, generally sited on buildings / verandahs either perpendicular or parallel to the street.

VicRoads, as a statutory referral authority for the application, has also considered the application with respect to the Decision Guidelines of Clause 52.05-3 and determined that the application compromises the operational efficiency of the road and poses an unacceptable road safety risk for the reasons outlined in its objection to the application. The decision guidelines of Clause 65

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

The proposal has been considered with respect to the relevant decision guidelines and for the reasons previously identified it is considered that the proposal would not result in the orderly planning of the area and would have an unreasonable impact on the amenity of the area.

Relevant incorporated or reference documents

The Shepparton CBD Strategy, October 2008 is the strategic background document that underpinned the application of the Activity Centre Zone to the Shepparton CBD. The CBD Strategy includes design guidelines that address signage. The desire to avoid promotional signs is identified in the CBD Strategy.

Other relevant adopted State policies or strategies policies

There are no relevant adopted State or strategic policies that relate to this application for a planning permit.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme Amendments that relate to this application for a planning permit.

Are there any significant social & economic effects?

There are no relevant significant social or economic effects that relate to this application for a planning permit.

Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts that relate to this application for a planning permit.

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

Conclusion

The application is inconsistent with the objectives of Clause 21.04-4, is inconsistent with the design objectives of Schedule 1 to the Activity Centre Zone as the sign constitutes a Sky

sign which is expressly discouraged in all areas of the CBD, the sign is inappropriate and out of character in terms of its form, scale and siting therefore the application should be refused. VicRoads, as a determining authority, has also objected to the application for the reasons outlined in its referral response and Council must therefore refuse to grant a permit.

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2017-365

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 3/228-234 High Street SHEPPARTON VIC 3630

WHAT HAS BEEN REFUSED: The erection and display of an electronic promotional sky sign

WHAT ARE THE REASONS FOR THE REFUSAL?

VicRoads

- 1) According to Clause 52.05-3 of the Planning Scheme, the proposed sign compromises the operational efficiency of the road and poses an unacceptable road safety risk because it:
 - a) Obstructs a driver's line of sight at an intersection and left hand turning lane.
 - b) Obstructs a driver's view of a traffic control device, or is likely to create a confusing background which might reduce the clarity or effectiveness of the nearby traffic control device.
 - c) Could dazzle or distract drivers due to it being illuminated, reflective, animated or flashing.
 - d) Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- 2) VicRoads does not support the installation of a "digital sign" or animated sign within the arterial road reserve and considered such signs should not be located so close to traffic signals, left hand turns or pedestrian crossings.
- 3) The proposed digital sign does not comply with the VicRoads "Advertising Policy for Advertising on, over and adjacent to VicRoads Declared Road" since it does not meet the "VicRoads Ten Point Road Safety Checklist".
- 4) The proposed digital sign does not comply with the Road Management Act 2004 and the Road Management (General) Regulations 2016 to control the placement of any structure, device or hoarding for the exhibition of an advertisement, or placement of any advertisement for exhibition over an arterial road.

Council

- 1) The proposed signage is inconsistent with the objectives of Clause 21.04-4 of the Greater Shepparton Planning Scheme as:
 - a) The siting of the sign on the roof would constitute a Sky sign which is expressly discouraged in all areas of the CBD.
 - b) The siting of the sign is inconsistent with the preferred siting for advertising signs on (and integrated into) buildings, and will disrupt the visual amenity of the area through its inappropriate siting on the roof of the building and orientation towards the intersection rather than directly to (parallel with) the street.
 - c) The proposed sign would promote other businesses or activities not undertaken on the land.
 - 2) The proposed signage is inconsistent with the objectives of the Design and Development clause of Schedule 1 to the Activity Centre Zone as
 - a) The sign is not integrated into the building design.
 - b) The location and form of the sign is not consistent with the character of the area.
 - 3) The proposed signage results in an unacceptable outcome with respect to the decision guidelines of Clause 52.05 of the Scheme as:
 - a) The siting of the sign on the roof of the building results in a sign that does not integrate with the building or its façade and has the potential to dominate the skyline.
 - b) The provision of a sign above the roof line of a building is inconsistent with the character / theme of advertising signage within the precinct that typically comprises of Business identification signage, generally sited on buildings/verandahs either perpendicular or parallel to the street.
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